



# 2011 TAX CONFERENCE

Unravelling the latest tax issues

## FROM THE CHAIR



NZICA's 19th annual Tax Conference is being hosted at the Auckland Convention Centre. We will be delighted to welcome you for the sessions which will be relevant and topical for people with a broad range of backgrounds.

We have seen a period where tragedies and the subsequent response to the Canterbury earthquakes have required the tax system and administration to play its part in responding quickly and in a meaningful way.

Of course, tax remains an area of challenge for businesses and practitioners alike. Tax reforms continue apace, and we have seen the advent of Look Through Companies, international tax reforms, new Double Tax Agreements and Information exchange agreements. In parallel, areas of controversy remain with Penny and Hooper, tax issues for trusts, tax avoidance and the disputes process itself all developing.

We have assembled a range of respected tax experts and practitioners to address these and other topical matters. The Hon Peter Dunne, Minister of Revenue, will open the conference, and we are delighted that the Australian and New Zealand tax Commissioners, Michael D'Ascenzo and Robert Russell, will jointly give a keynote session.

The Tax Conference is an excellent opportunity to renew acquaintances within the tax community, discuss the issues and refresh your knowledge for the coming year. It will appeal to all professionals involved in tax, including those in small-, mid- and large-tier firms, whether in the operational or policy aspects of the tax system.

Thank you in advance for your attendance, and we look forward to warmly welcoming you in Auckland.



Paul Dunne

Chair, Tax Advisory Group  
New Zealand Institute of Chartered Accountants

## A word from our sponsor

Provisional Tax Finance Limited is delighted to be involved with the NZICA 2011 Tax Conference.

Provisional Tax Finance, New Zealand's best value tax intermediary, has been providing complete tax pooling services since 2007. In 2011 we look forward to bringing even greater value to large taxpayers and tax professionals.



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## REGISTER NOW

### SPECIAL RATES

Limited early-bird offer

\*Register and pay before 30 September



### CONFERENCE DETAILS

#### Early-bird registration fee

Member	\$1,750
Standard	\$2,188

(If received by 30 September 2011)

#### Full registration fee

Member	\$2,000
Standard	\$2,438

(If received after 30 September 2011)

All prices include GST.

Bulk registration fee	discount	Promo code
3-5 attendees	10%	TC0001
6-14 attendees	12%	TC0002
15+ attendees	15%	TC0003

### VENUE & TIMING

#### Friday 11 – Saturday 12 November 2011

Auckland Convention Centre, 50 Mayoral Drive, Auckland

This one and a half day event will start promptly at 9.15am on Friday 11 November and finish by 1pm Saturday 12 November.

On-the-day registration commences at 8am Friday 11 November.

Early registration is also available on Thursday 10 November between 6 and 7pm.

### GET EXPERT OPINION

Tailor-made for tax professionals, NZICA's tax conference will equip you with expert opinion and specialist knowledge to keep you at the forefront of the profession.

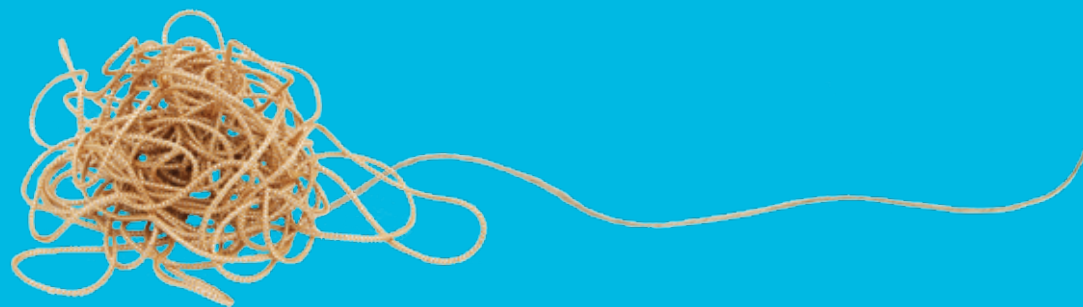
Engage with the team of experts as they explore and explain current tax planning, tax legislation and other tax issues.

### GET THE TOOLS

- Unravel the latest tax issues and changes.
- Receive a comprehensive practical conference pack to take back and apply to your organisation.
- Take advantage of networking opportunities to meet other tax specialists and develop on-going relationships and support networks.

### GET THERE

Whether you are a seasoned tax practitioner or just entering the profession, from an accounting or legal firm, a commercial organisation or the public sector, the Tax Conference is designed to appeal to all sectors and all levels of experience. The informative keynote and concurrent breakout sessions will enable you to tailor your attendance and keep updated in the areas of your choice. This is a must attend event of all tax practitioners.



**THURSDAY 10 NOVEMBER 2011**

6–7pm Early conference registration

**FRIDAY 11 NOVEMBER 2011**

8–9.15am Conference registration

9.15–9.30am Conference open, welcome and word from the sponsors

**9.30–10am OPENING KEYNOTE**

**Minister’s speech**  
**Hon Peter Dunne, Minister of Revenue**

**10–10.55am CONCURRENT SESSION 1**

**1A: Recent developments in the disputes procedure**  
**Mark Keating, University of Auckland**  
**Mike Lennard, Barrister**  
The tax disputes procedure in Part IVA Tax Administration Act 1994 has been in operation for 15 years. During that time there have been two separate reviews of its operation and numerous legislative amendments. The Tax Bill currently before Parliament proposes further significant reform of the procedure - yet taxpayers and their advisers remain dissatisfied with that procedure for resolving tax disputes with Inland Revenue. The regime commonly receives criticism for being too lengthy and expensive - yet the proposed reforms are only likely to add to those problems, without addressing the common criticisms. This paper discusses both recent and proposed reforms and the latest case decisions clarifying the application of the current disputes regime.

**1B: Look through companies**  
**Bill Hale, Deloitte**  
**Darren Johnson, Deloitte**  
This session will examine the new look through company regime with particular focus on issues and opportunities arising from the regime. The session will cover issues for both qualifying companies and non-qualifying companies looking to utilise the regime.

10.55 – 11.15am

**1C: Recent international tax cases – an update on key decisions, trends and their relevance to New Zealand**

**Craig Elliffe, University of Auckland**  
This session will involve an examination of recent important international tax cases and their possible application to New Zealand: for example decisions examining what constitutes a permanent establishment, the role of OECD Commentaries in the interpretation of treaties, and use of treaties in hybrid entity situations.

**1D: When can a subsidiary be a PE of its foreign parent and what are the consequences?**

**Richard Scoular, Tax Lawyer**  
This session will apply recent case law and OECD commentary to a practical example of a multi-national with a subsidiary in New Zealand. It will discuss how the subsidiary could be viewed as a PE of other companies in the group, and how to reduce the risk of that occurring.

**1E: Uncertain tax positions**

**Grant Duncan, Fonterra**  
**Simon O’Connor, Ernst & Young**  
This session will cover disclosure in financial reporting position; revenue and financial reporting – authorities using statement as adjustment schedule and sharing info across the border; shareholder litigation – risks for businesses; how do you manage it – processes to keep updated; and will include an auditor’s view on the impact.

**1F: Living in a gift duty free world**

**Geoff Clews, Barrister**  
Legislation will shortly, in three short provisions, render gift duty irrelevant to gifts made on or after 1 October 2011. But the implications of the change have only just begun to be considered. Commentators have suggested that the abolition will see a wholesale shifting of assets into trust and a proliferation of holding structures thwarting personal and commercial claims. This session will review, first, relationship property and the reaction of the Courts to disposals of property into trust. Secondly, the aspect of commercial creditor protection will be examined. And lastly, the session will consider the extent to which the Law Commission’s work on trusts can be expected to “pick up the slack” after the duty is gone.

**Morning tea**

## PROGRAMME: 2011 TAX CONFERENCE

11.15am – 12.10pm

### CONCURRENT SESSION 2

#### 2A: Trust law developments

**Stephen Tomlinson, Tomlinson Law**

This session will consider the latest developments in trust law. It will examine the key issues arising from the Law Commission's Issues Papers on the review of Trust Law in New Zealand, and review the available "trust busting" mechanisms and how advisers can assist their clients in ensuring that their trust structures remain intact. The ongoing ability of trustees to rectify decisions that have unintended and adverse consequences (including tax consequences) in the light of recent case law developments, concerning the so-called rule in Hastings-Bass, will also be discussed.

#### 2B: Current tax and legal issues in sport

**Paul McPadden, KPMG**

**Maria Clarke, MC Sports Law**

New Zealand is a sporting country, and tax and legal issues in the sporting environment are becoming increasingly complex. This session will update you on a wide variety of tax issues including those associated with major international events such as RWC 2011, modern DTA approaches to the taxation of athletes, and local New Zealand tax issues faced by sporting organisations. The legal issues will focus on the application of charities law in the sporting sector, including the scope for donee status in sport. The session will also explore the application of the legal tests to employees and independent contractors in terms of athletes and coaches in sport.

#### 2C: Privilege for tax advice

**Niels Campbell, Bell Gully**

**Kirsty Keating, Ernst & Young**

This session will review the effectiveness of accountants' right to non-disclosure for tax advice; legal privilege when giving tax advice in light of recent developments; and assessing their strengths and weaknesses, and reviewing their availability for foreign advisors.

#### 2D: Transfer pricing update

**Robyn Rakete, Inland Revenue**

**Leslie Prescott-Haar, Ceteris New Zealand**

Leslie and Robyn will discuss the latest developments in transfer pricing, both locally and globally. Intangible property will be covered, including the current OECD review project which will likely lead to further revisions to the OECD transfer pricing guidelines related to intangible property (Chapter VI) and cost contribution arrangements (Chapter VIII). The 2010 issuance of new and revised OECD transfer pricing guidelines will be discussed, including their implementation for business restructuring transactions (Chapter IX) and revisions to existing guidelines in relation to comparability and profit methods (Chapters I - III). Finance transactions, APAs and transfer pricing implications of New Zealand's new CFC rules will also be covered.

#### 2E: Look through companies

**Bill Hale, Deloitte**

**Darren Johnson, Deloitte**

REPEAT

#### 2F: Managing GST risk in your organisation

**Allan Bullôt, Deloitte**

**Eugen Trombitas, PricewaterhouseCoopers**

Risk, including tax risk, is present in all aspects of business. Although tax risk can't be totally eliminated it can be managed. This session will cover the GST risks for a business and what practical steps can be taken to manage GST obligations. Topics covered will include GST governance, process, legislative and implementation risks, as well as Inland Revenue's approach to the GST risk framework. This session will also briefly cover the 1 April 2011 changes to GST zero-rating for land transactions, the new GST recovery apportionment rules and other significant GST developments.

12.10 – 12.20pm

10 minute transfer time

12.20 – 1.05pm

### PLENARY SESSION

#### Avoidance in practice

**Nigel Smith, Covisory Partners Ltd**

**John Peterson, Minter Ellison**

In a large number of reviews/audits seen at the coalface, Inland Revenue raises the avoidance issue. So, what does this mean? This practical session will highlight what you may not have considered as avoidance, what recent cases mean to the "choice" principle, and provide live examples which Inland Revenue claim as tax avoidance.

1.05 – 1.50pm

Lunch

## PROGRAMME: 2011 TAX CONFERENCE

1.50 – 2.45pm

### CONCURRENT SESSION 3

#### 3A: Recent New Zealand case law

**Campbell Rose, Russell McVeagh**

This session will highlight New Zealand cases of interest to tax advisers decided since the last Tax Conference. It will include cases involving the scope of charitable purposes (notably, the *Greenpeace* decision), GST (including the Supreme Court's decision in *Contract Pacific* and judgments dealing with going concern and de-registration issues), and the capital/revenue distinction. Cases addressing the tax disputes procedures and issues arising in an insolvency context (for example, the GST treatment of mortgagees and partners in receivership) will also be covered.

#### 3B: Financial arrangements update

**Elly Ward, PricewaterhouseCoopers**

An update on the financial arrangement rules including a look at the potential impact of changes in the associated accounting standards. The session will also cover an update on the development of the rules more generally.

#### 3C: Recent international tax cases – an update on key decisions, trends and their relevance to New Zealand

REPEAT

**Craig Elliffe, University of Auckland**

#### 3D: Shaky capital revenue distinctions

**Frank Burgess, Polson Higgs**

From the beginning of the 2012 income year, depreciation deductions for tax purposes are no longer available for buildings with an estimated useful life of 50 years or more. In Christchurch we have seen the catastrophic effect of an unprecedented series of earthquakes and nationally there are major issues with leaky buildings. What does this mean from a taxation perspective? This paper explores various taxation issues that will need to be considered by building owners.

#### 3E: Tax issues for agribusiness

**Tony Marshall, WHK**

The session will focus on topical tax issues for agribusiness, including the tax treatment of livestock and the proposed changes to the livestock valuation rules, the rise of equity partnerships and the unique tax issues associated with them, the tax treatment of farm conversion costs, and the impact of the change to building depreciation on farm buildings.

#### 3F: Recent developments in the disputes procedure

REPEAT

**Mark Keating, University of Auckland**

**Mike Lennard, Barrister**

2.45 – 3.05pm

Afternoon tea

3.05 – 4pm

### CONCURRENT SESSION 4

#### 4A: What should you do when Inland Revenue walks in the door?

**Craig Macalister, NZICA**

**David Patterson, Chapman Tripp**

This session explores Inland Revenue's right to access information under section 16 of the Tax Administration Act, and your rights and obligations in response. It also covers debt collection and issues of enforcement.

#### 4B: Managing GST risk in your organisation

REPEAT

**Allan Bullôt, Deloitte**

**Eugen Trombitas, PricewaterhouseCoopers**

#### 4C: Transfer pricing update

REPEAT

**Robyn Rakete, Inland Revenue**

**Leslie Prescott-Haar, Ceteris New Zealand**

#### 4D: Exchange of information and assistance in recovering foreign tax claims

**Denham Martin, Lawyer**

In the last few years there have been dramatic changes internationally in the ability of revenue authorities to obtain tax information from other countries about taxpayers and also to enforce foreign tax judgments against taxpayers in other jurisdictions. This presentation will look at developments applying to exchange of information under bilateral tax treaties (including the new obligations under tax information exchange agreements, and developments in treaty rules that assist with the enforcement of foreign tax judgments). What these developments mean practically for New Zealand taxpayers (in terms of legal privilege, time-bars and other important legal and practical defences) will also be covered.



**4E: Australian tax developments – current and relevant**

**Matthew Hanley, Ernst & Young**

**Alf Capito, Ernst & Young**

This session will highlight recent Australian tax trends in both legislative changes and policy influences impacting Australia. These include international tax reform, financial services initiatives including managed investment trusts, consolidation issues and likely future changes arising from the Australian Government Tax Forum scheduled for October 2011, and the back drop of the recent Henry Review of Australia's Future Tax System. There will also be a comparison with related New Zealand reforms.

**4F: Trust law developments**

REPEAT

**Stephen Tomlinson, Tomlinson Law**

4 – 4.10pm 10 minute transfer time

**4.10 – 5.10pm PLENARY SESSION**

**What strategies to adopt when in formal dispute with Inland Revenue**

**Mathew McKay, Bell Gully**

**Ralph Simpson, Bell Gully**

This session will focus on the strategic management of disputes with Inland Revenue that have progressed to challenge proceedings. The session will provide experience and suggestions for dealing with common pre-trial and interlocutory issues, including test case designations, voluntary truncation of disputes and section 89N(3) applications, and document discovery (including the relationship between discovery orders and the evidence exclusion rule). Preparing for trial, potential strategies for attempting to negotiate settlements pre-trial and the do's and don't do's for running a trial will also be covered, and the presenters will comment on their experience in dealing with Crown Law in tax litigation.

5.10 – 6.30pm Free time

6.30 – 7pm Pre-dinner drinks

7pm – late Dinner and entertainment

**SATURDAY 12 NOVEMBER 2011**

8.45am Breakfast

8.45 – 9am 15 minute transfer time

9 – 9.45am Keynote session

**The Trans Tasman Commissioner's session**

**Robert Russell, Commissioner of Inland Revenue**

**Michael D'Ascenzo, Commissioner of Taxation**

9.45 – 10.05am Morning tea

**10.05 – 11am CONCURRENT SESSION 5**

**5A: Australian tax developments – current and relevant**

REPEAT

**Matthew Hanley, Ernst & Young**

**Alf Capito, Ernst & Young**

**5B: Recent New Zealand case law**

REPEAT

**Campbell Rose, Russell McVeagh**

**5C: Public Private Partnerships – using competition to drive pricing**

**Greg Knowles, KPMG**

**Adrian Wimmers, KPMG**

New Zealand Government is considering PPPs as an efficient way to deliver some projects for prisons, schools and other long-term infrastructure assets. This session contrasts PPPs, from a financial and tax perspective, to alternative procurement options available to Government. It also considers how the economic incentives on private sector organisations and their funders can be aligned with the objectives of the public sector to deliver cost effective projects on a whole of life basis.

**5D: The business end of Penny & Hooper – the way forward**

**Geof Nightingale, PricewaterhouseCoopers**

**David Patterson, Chapman Tripp**

**Graham Tubb, Inland Revenue**

Following the Supreme Court decision in Penny & Hooper, many practitioners and their clients will be wondering what implications this has on their current business structures. NZICA has put together a panel of representatives from the accounting and law professions and a senior representative from Inland Revenue, to give you their perspective on what the decision means and it's relevance now and going forward. Opportunities will be given for participant's questions.

	<p><b>5E: Shaky capital revenue distinctions</b> REPEAT  <b>Frank Burgess, Polson Higgs</b></p>	
11- 11.10am	<p><b>5F: Living in a gift duty free world</b> REPEAT  <b>Geoff Clews, Barrister</b>  10 minute transfer time</p>	

11.10 – 11.55am

**PLENARY SESSION**

**Avoidance law developments**

**Hon Justice Tony Pagone, Supreme Court of Victoria**

Provisions directed to prevent tax avoidance will always be difficult to interpret and apply predictably, and Australia's anti-avoidance tax laws are no exception. The detailed statutory scheme of Part IVA, and its predecessor, section 26o, have a litigation history which reveals much uncertainty of application. Through exploration of the Part IVA landscape, Justice Pagone will shed light on this uncertain area by examining how Part IVA has evolved and developed into the anti-avoidance laws that apply today.

11.55am – 12.40pm

**Commentary on avoidance law developments**

**David Collins QC, Crown Law**

**Casey Plunket, Chapman Tripp**

There has been some debate recently about the extent to which avoidance law in New Zealand can or should be made more certain or predictable. The presenters will consider these two issues. In particular, have recent judicial decisions, Inland Revenue statements and administrative arrangements led to greater certainty in this area, and might alternative measures be more effective?

12.40 – 12.55pm

**Conference close and prize draw**

**Paul Dunne, Chair, National Tax Committee**

**PRESENTERS**



**Hon Peter Dunne**

**Minister of Revenue**

Hon Peter Dunne has been a Member of Parliament since 1984 and holds the northwest Wellington electorate of Ohariu. Currently the Minister of Revenue and the Associate Minister of Health, Mr Dunne has previously held ministerial responsibility for Regional Development, Internal Affairs, and associate ministerial responsibility for Environment and Justice.



**Mark Keating**

**University of Auckland**

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



**Mike Lennard**

**Barrister**

Mike is a litigation lawyer of 23 years' standing. He has practised as a Crown Prosecutor, was Inland Revenue's Director of Litigation for eight years, and since June 2004 has been practicing as a barrister with a specialisation in tax disputes.



**Bill Hale**

**Deloitte**

Bill has 16 years specialist tax experience in New Zealand. He is the adviser to a number of publicly listed companies, multinational businesses, high wealth individuals, and domestically owned businesses. Bill is passionate about providing proactive tax solutions to domestically owned high growth businesses.



**Darren Johnson**

**Deloitte**

Darren has over 14 years of specialist tax services. He has provided tax services to a broad range of clients from small start-ups through to large corporates. Darren specialises in dealing with owner operated and medium sized business, and has a particular interest in the new look through company rules. He is passionate about developing pragmatic, constructive solutions for his clients and being their "go-to" trusted adviser.



**Craig Elliffe**

**University of Auckland**

Craig is the Professor of Taxation Law and Policy at the University of Auckland Business School and director of the Master of Taxation Studies degree program (New Zealand's premier postgraduate tax qualification). He is a consultant of Chapman Tripp focusing on corporate, international tax and financing transactions.

**Richard Scoular****Tax Lawyer**

Richard is a tax lawyer in Auckland, generally advising corporates on structuring and transactional matters. He works closely with a number of CA and specialist corporate and finance law firms.

**Grant Duncan****Fonterra Cooperative Group**

Grant is currently Group Taxation Manager at Fonterra and has previously held taxation roles in New Zealand Dairy Board, TranzRail, Coopers & Lybrand and Inland Revenue.

**Simon O'Connor****Ernst & Young**

Simon is the Managing Partner of the Auckland office and is also responsible for leading Ernst & Young's Assurance business in New Zealand. With over 20 years experience with Ernst & Young in New Zealand, San Jose and New York, his experience includes leading and managing the delivery of audit and transaction support services to major companies. Simon has significant experience in auditing a wide variety of financial services clients, including asset management activities and listed and unlisted property funds and also public sector entities.

**Geoff Clews****Barrister**

Geoff is a Tax Barrister practicing in Auckland. He is an experienced tax litigator and represents individual and corporate clients at all stages of the investigation and statutory tax dispute resolution processes, and before the courts at all levels. Like most people with an estate plan, Geoff looks forward to being able to accelerate his gifting programme in a gift duty free world.

**Stephen Tomlinson****Tomlinson Law**

Stephen is the principal of Tomlinson Law. 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 has assisted the Society of Trust and Estate Practitioners in preparing submissions on the Law Commission's Issues Papers on the review of the Law of Trusts. He is also a past convener of the New Zealand Law Society's Taxation Committee.

**Paul McPadden****KPMG**

Paul has worked in the New Zealand tax field since 1990. He is an experienced tax partner with a great reputation for his technical skills and a commitment to providing exceptional services to his clients. Paul's experience includes advising a broad range of domestic and multi-national clients on tax issues including tax compliance, tax strategy and business restructuring. He has a wide range of experience in working with clients with significant overseas operations.

**Maria Clarke****MC Sports Law**

Maria is the Principal of Maria Clarke Lawyers, which is boutique practice specialising exclusively in sport law. It was established in October 2007 and is based in Devonport. The firm acts for many of New Zealand's national sports organisations as well as elite athletes such as Caroline and Georgina Evers-Swindell and Valerie Adams. Most of their clients are not-for-profit bodies and Maria has advised a number of them on restructuring of their organisations to improve their governance.

**Niels Campbell****Bell Gully**

Niels is the head of Bell Gully's tax department. Formerly a tax partner at KPMG, he has also worked with investment banks in Australia and New Zealand. Niels is a past convener of the New Zealand Law Society's Taxation Committee.

**Kirsty Keating****Ernst & Young**

Kirsty is an executive director leading the Tax Controversy Practice at Ernst & Young in Auckland. She began her career at Inland Revenue and worked at Litigation Management in Wellington. Since leaving Inland Revenue, Kirsty has assisted clients during risk reviews, audits, and formal disputes involving technical and procedural issues. Her specialisation includes assessing avoidance risk in structuring and transactions, and managing disputes involving allegations of tax avoidance.

**Leslie Prescott-Haar****Ceteris New Zealand**

Ceteris is the leading boutique transfer pricing and valuation firm comprised of some of the world's leading experts in these fields. Leslie established Ceteris New Zealand in 2010. Prior to that, she has specialised in taxation and transfer pricing for over 25 years in New York City, Sydney and Auckland, and was a partner and the New Zealand transfer pricing practice of a Big Four firm. Leslie has published a variety of articles in New Zealand, Australia and the United States and has presented papers and spoken on numerous occasions in relation to taxation and transfer pricing. Her transfer pricing expertise crosses a diverse range of industries, transactions and projects, including APAs.

**Robyn Rakete****Inland Revenue**

Robyn has 16 years specialist transfer pricing experience in New Zealand and abroad, including experience as a professional advisor and tax administrator. In her current role, she is responsible for the negotiation of Advanced Pricing Agreements, providing technical transfer pricing analysis and support for investigations, and the resolution of complex transfer pricing disputes. Robyn has authored various transfer pricing articles.

## PRESENTERS



**Allan Bullôt**  
Deloitte

Allan is a partner in the Deloitte Auckland Office where he specialises in GST and leads the national GST team. For over 10 years he has practised exclusively in indirect taxes, both in New Zealand and Canada. Allan has a broad range of experience handling all aspects of GST for clients across numerous industry sectors. He is a joint presenter of the GST paper at the University of Auckland Master of Taxation Studies course.



**Eugen Trombitas**  
PricewaterhouseCoopers

Eugen leads the PwC indirect taxes practice. He has significant experience advising clients in all industries on GST matters and has been involved with leading GST cases. Eugen has conducted large GST risk and process reviews for clients and assisted them in preparing up to date GST manuals. He has been involved with the new GST rules at policy, practical and contract documentation levels.



**Nigel Smith**  
Covisory Partners Ltd

Nigel is a Chartered Accountant based in Auckland. At Covisory Partners he leads a small team that focuses on the needs of high wealth individuals, providing taxation, trust and structuring services for a diverse group of families. He was the founder of NSA Ltd, where he advised a large number of accounting and other professional practices.



**John Peterson**  
Minter Ellison

John is a tax partner at Minter Ellison. He is acting as counsel for the taxpayer in CIR vs. White (which is due to be heard by the Court of Appeal later this year) and recently appeared as counsel for the taxpayer in a successful Judicial Review application in the Chesterfields Partnership litigation.



**Campbell Rose**  
Russell McVeagh

Campbell is a partner at Russell McVeagh. He has broad tax experience, including mergers and acquisitions, managed funds, property investment and development, debt/equity capital raising, and insolvency/work-out arrangements. Campbell also regularly advises in the context of Inland Revenue investigations and dispute resolution, and assists clients in making submissions on proposed tax law changes. He is a member of the Tax Committee of the Investment Savings & Insurance Association.



**Elly Ward**  
PricewaterhouseCoopers

Elly is a tax partner with PwC in Wellington. She is a corporate tax partner specialising in advising clients on the tax impact of IFRS on financial arrangements.



**Frank Burgess**  
Polson Higgs

Frank is a Tax Partner in the Christchurch office of Polson Higgs. He has presented on taxation issues both at a local and national level for the firm and NZICA. Frank provides specialist tax and business advice to a wide variety of businesses.



**Tony Marshall**  
WHK

Tony is an Associate Principal in the tax consulting team with WHK in Dunedin. He has over 10 years specialist taxation consulting experience and is a regular presenter for TEO Training Limited on a variety of specialist taxation topics. Tony is a member of WHK's Agribusiness team in the Otago and Southland offices and provides advice on taxation matters to a large number of agribusiness clients.



**Craig Macalister**  
NZICA

Craig joined NZICA in May 2005 as tax director. He was previously KPMG's national tax director, working in both the Wellington and Auckland offices. Before joining KPMG, Craig worked at Inland Revenue, working principally in the department's policy advice division as a senior tax policy analyst.



**David Patterson**  
Chapman Tripp

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. David is past chair of the International Fiscal Association (2006/2007), and a past member of Government Tax Review 2001 and Tax Education Office.



**Denham Martin**  
Lawyer

Denham is a very experienced and popular presenter for both NZICA and the New Zealand Law Society. He regularly presents at the Auckland Branch Trust SIG, the NZICA Tax Conference, and has published extensively on technical tax, trust and commercial law issues both here and overseas. Denham is a lawyer specialising in advice on all aspects of tax law. Formerly a tax and commercial law partner with Chapman Tripp, and now principal of his own specialist tax law practice, he has had over 20 years' experience helping clients with trusts, tax and legal problems.



**Matthew Hanley**  
Ernst & Young

Matthew is a corporate tax partner with Ernst & Young specialising in financial services and international tax. He is a member of the Tax Advisory Group of NZICA and the Tax Committee of the Investment Savings and Insurance Association.

## PRESENTERS



**Alf Capito**  
Ernst & Young

Alf is a Senior Tax Partner and head of Ernst & Young's Tax Policy Group in Australia. He has more than 20 years experience, with a focus on international tax. Alf has been closely involved in the reform of Australia's international tax regime, and is a regular presenter and commentator on tax issues, including co-authoring the white paper prepared by the Business Council of Australia, which was used as a basis for the Australian Government's Review of International Tax Arrangements. He is an adviser to the Board of Taxation, a member of the Australian Financial Centre Task Force and continues to be involved in tax policy and design reforms impacting corporate Australia.



**Mathew McKay**  
Bell Gully

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, financing arrangements and funds management. Mathew has advised both borrowers and lenders on the tax implications of dealing with distressed financial instruments. He also assists clients in disputes with Inland Revenue during the disputes resolution phase and in court proceedings.



**Ralph Simpson**  
Bell Gully

Ralph is a head of Bell Gully's litigation team. His practice includes court proceedings and regulatory investigations brought under the Companies Act 1993, the Securities Act and Securities Markets Act, the Fair Trading Act 1986, the Commerce Act 1986 and the Telecommunications Act 2001. In addition to Ralph's general commercial litigation practice, he acts for taxpayers on tax challenge proceedings against the Commissioner. He is also a member of the External Reporting Board.



**Robert Russell**  
Commissioner of Inland Revenue

Bob took up the position of Commissioner and Chief Executive of Inland Revenue in May 2007. He had previously undertaken the role of Deputy Commissioner - Service Delivery when he started with Inland Revenue in October 2006. Before coming to New Zealand, Bob had over 30 years in public service in Canada, including various positions with the Canada Revenue Agency, Industry Canada and Energy, Mines and Resources Canada.



**Michael D'Ascenzo**  
Australian Commissioner of Taxation

Michael is recognised internationally for his expertise and abilities as a leader and an innovator. He has been Commissioner of Taxation since 1 January 2006. Michael has pioneered many advances in tax and superannuation administration including improvements to Australia's self assessment system, and making the tax system fairer and more certain for taxpayers. His role as a vice chair of the OECD's Forum on Tax Administration reflects his ongoing contribution to improving the capabilities and cooperation of tax administrations globally.



**Greg Knowles**  
KPMG

Greg leads the Tax Mergers and Acquisitions practice of KPMG New Zealand. In this role, he has relevant experience advising on tax structuring issues to do with PPP's and other major transactions.



**Adrian Wimmers**  
KPMG

Adrian leads KPMG's Infrastructure and Projects Group in New Zealand. He has deep experience of advising public sector organisations on PPP and similar project structures in New Zealand and the United Kingdom.



**Hon Justice Tony Pagone**  
Supreme Court of Victoria

The Hon Justice Tony Pagone is a Judge of the Supreme Court of Victoria and Professorial Fellow of the Melbourne University Law School. He was appointed to the Court May 2007, having previously held a position in 2001/02. Prior to his appointment he was a Queen's Counsel at the Victorian Bar specialising in taxation law. He also held the position of Special Counsel to the Australian Taxation Office and was President of the Tax Bar Association.



**David Collins QC**  
Crown Law

David was appointed solicitor-general in September 2006. He previously practised at Independent Bar and was a partner in the firm now known as Rainey Collins. David has chaired ACC and Health Practitioners Disciplinary Tribunal and has made numerous appearances on significant litigation before New Zealand courts and the Privy Council.



**Casey Plunket**  
Chapman Tripp

Casey is a tax partner in Chapman Tripp's Auckland office. He served on the 2010 Tax Working Group, and is the current Convenor of the New Zealand Law Society's Tax Committee and Chair of the New Zealand branch of IFA. A habitual interrogator at NZICA conferences, his contributions have been described as impertinent, but never irrelevant.

## GENERAL INFORMATION

### VENUE AND TIMING

The conference will be held at the Auckland Convention Centre, 50 Mayoral Drive, on Friday 11 and Saturday 12 November. **Bulk registration fees** are available for multiple registrations. Please make sure that the registrations are received together with the promocode, to ensure that you receive the appropriate discount.

### REGISTRATION FEE

For information on registration fees appropriate to you, refer to the Registration Form of this brochure.

The registration fee includes GST and is not valid unless accompanied by full payment. A tax invoice will be sent with your confirmation letter.

The fee includes your conference pack and all catering as specified on the programme in this brochure. On arrival at registration, you will receive your conference pack.

To qualify for an early-bird registration fee, NZICA must receive your registration form with payment no later than **30 September**.

Registrations are limited, so you are encouraged to register early to avoid disappointment.

### ENTERTAINMENT TAX

This conference runs for four or more hours (excluding meal times) and is therefore excluded from the Entertainment Tax Regime.

## CANCELLATION AND REFUND REQUESTS

Where a registrant cannot attend the conference, there are two options:

1. A substitute participant is welcome to attend at no additional cost, or
2. A full refund, less a \$250 service fee, will be applied to all cancellations\* made before the early-bird registration date of **30 September**. If you cancel after this date, no refund will be made, but you will receive a conference pack after the event has taken place.

*\*All cancellations must be in writing (letter, fax or email) to NZICA's Customer Service Centre.*

If NZICA cancels the conference, a full refund and the conference pack will be sent to the registrant.

All requests should be directed to:

Alison Buck, Programme Coordinator  
2011 Tax Conference  
New Zealand Institute of Chartered Accountants  
PO Box 11 342,  
Wellington  
Fax: +64 4 473 6303  
Email: [alison.buck@nzica.com](mailto:alison.buck@nzica.com)

### CPD HOURS

Members of NZICA attending this conference may be credited with up to **11** Continuing Professional Development (CPD) hours.

## ACCOMMODATION

Accommodation costs are not included in the registration fee. If you need accommodation, it is your responsibility to book and settle your own hotel account when you check out. A block reservation has been made for conference participants at the following hotel:

Rendezvous Hotel Auckland

Tel: 09 366 5435

Booking reference: NZICAT1111

Room rate\*: \$167 (incl. GST)

*\* Dependent on room type availability*

To make an accommodation reservation, please contact the Rendezvous Hotel Auckland direct on the phone number listed. Quote the relevant booking reference and have your credit card handy, since a deposit is required to guarantee the booking. You can also book using the Internet. To do this, go to [nzica.com/taxconference](http://nzica.com/taxconference) where a link is available to take you direct to the hotel reservations page.

### DRESS CODE

The dress code will be smart casual for the duration of the conference, including all functions.

### ACCOMPANYING PERSONS

There is no programme for accompanying persons. However, we suggest you contact hotel reception for recommendations on activities in and around Auckland, if your partner chooses to accompany you to the conference.