

Public Rulings Work Programme 2015-16

Final position as at 8 July 2016

This will be the last update for the 2015-16 work programme. We have managed to complete most of the programme, with the majority of the rest of the items being in progress. We will continue to work on these items and they will form part of the 2015-16 work programme. The items that we have yet to start will be considered for inclusion on the new programme along with other items that have been referred to Public Rulings.

Summary of items

Public items are summarised below based on their current status. Items we have completed are at the bottom of the list. Further information is provided in a more detailed table below. Please click on the item number to see the further details. If you have any queries or feedback about the Public Rulings Work Programme, please email public.consultation@ird.govt.nz

Items where external consultation has closed	
QWB00078	GST – Taxable activity – Non-profit bodies and section 20(3K)
PUB00223	Income tax – Deductibility – When are the costs of obtaining a seismic assessment report deductible?
PUB00259	Income tax – Land – Habitual land sales
PUB00260	Income tax – Land – Intention of resale
PUB00227	Income tax – Revenue account property – Are non-income producing assets necessarily held on revenue account?
PUB00246	Income tax – Tax treatment of lump sum settlement payments
PUB00209	Income tax – Trusts – Beneficiaries as settlors
PUB00241	Income tax – Meaning of “unit trust”
QWB00085	Tax Administration – Period of binding ruling
Items currently at external consultation	
PUB00228	GST – Supply – Single versus multiple supplies
INS00126	Income tax – Donee organisations – wholly or mainly
PUB00220	Income tax – Land – Acquisition of land issue – section CB 6 identity of land issues
PUB00276	Income tax – Residence – Reviewing the permanent place of abode test following <i>Diamond</i>
PUB00218	Income tax – Tax credits – Availability of foreign tax credits
Items currently in progress	
PUB00251	FBT – Cars left at airport – 24 hour exemption
PUB00252	FBT – Emergency call exemption
PUB00229	FBT – Liability of charitable organisations for FBT
PUB00249	FBT – Motor vehicles
PUB00255	GST – Compulsory zero-rating rules (general application)

PUB00211	GST – Output tax – Parking infringement fines
PUB00277	GST and unit trust management
PUB00273	Income tax – Associated persons – Corporate trustees
PUB00205	Income tax – Deductibility of farm dwelling expenses and apportionment
PUB00168	Income tax – Deductibility of private/revenue expenses
PUB00240	Income tax – Deductibility of software developer’s costs
PUB00231	Income tax – Derivation – Timing of when to return professional services fees
PUB00258	Income tax – Partnership – Introduction of assets to a partnership by a partner
PUB00262	Income tax – Review of IS 2215 “Income tax treatment of New Zealand patents”
PUB00263	Income tax – Share reclassifications
PUB00248	Income tax – Taxation of income derived from on-line activities
PUB00261	Income tax – Trusts – Review of 1989 TIB on the taxation of trusts
PUB00266	Income tax – Update and replace IG 007 “Non-resident software suppliers’ payments derived from New Zealand—Income tax treatment”
Items not currently being worked on	
PUB00256	GST – Compulsory zero-rating rules (some specific interpretative issues)
PUB00257	GST – Grouping rules
PUB00171	Income tax – Deductibility – Costs associated with obtaining resource consents
PUB00274	Income tax – Depreciation – Identifying items of depreciable property
INS00098	Income tax – Dividends – Timing of when paid or derived
PUB00271	Income tax – Land – Exemptions for land transferred to associated persons
PUB00272	Income tax – Land – Exemptions with a purpose requirement
PUB00265	Income tax – Timing – Deductibility of costs of land development and other expenses
PUB00226	Income tax – What is the income tax treatment of crypto-currencies?
PUB00267	Income tax – Withholding tax treatment of directors’ fees
PUB00268	RWT – In-specie dividends
Completed items	
PUB00201	FBT – Car parks
PUB00250	FBT – Review of BR 09/08 “Cost price of the vehicle – meaning of the term for fringe benefit tax purposes”
PUB00247	GST – Compulsory acquisition of land – treatment of related costs
PUB00253	GST – Application of s 11A(1)(d) to the provision of a travel insurance policy
PUB00270	GST – Local authority rates apportionments
PUB00222	GST – Partnerships – Capital contributions
PUB00243	GST – Progress payments on boats to be exported
INS00109	GST – Retirement villages
PUB00224	GST – Trusts – Treatment of bare trusts for GST purposes
PUB00237	Income tax – Allowances – first aid allowances

PUB00234	Income tax – Allowances – allowances paid to chainsaw operators
PUB00236	Income tax – Avoidance – Scenarios on tax avoidance – trusts, limited partnerships and PIEs
PUB00221	Income tax – Depreciation – Computer software
PUB00214	Income tax – Exempt income – Taxation of scholarships and bursaries
PUB00230	Income tax – Financial arrangements – Debt remission income on limited recourse loans
PUB00184	Income tax – Foreign currency conversion for branches
PUB00215	Income tax – Insurance – Life and accident insurance provided in an employment context
PUB00219	Income tax – Land – Deductions for the cost of acquiring land as revenue account property
PUB00269	Income tax – Subdivision of shares under s CB 4
PUB00190	Income tax – Tax credits – Donations – Meaning of “gift”
PUB00225	Income tax – Tax credits – Meaning of “temporary basis” in the definition of “principal caregiver” for working for families
QWB00081	Tax Administration – Due and payable – s 91E(4)(d)(i) of the Tax Administration Act 1994

Detailed work programme

The following table contains more information about each item on the work programme including a brief explanation of the issue, the reason for the item and the expected progress of the item once it has been commenced. It has been arranged alphabetically by tax type and then subject matter. Items that have been completed are shaded for ease of identification.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00201	FBT – Car parks	Guidance on when the provision of a car park is subject to or exempt from FBT.	Seeks to update an expired ruling on when the provision of a car park attracts FBT. There is uncertainty in this area post the rewrite and amendments to the relevant provisions. Clarity will help taxpayers and advisers ensure FBT compliance.	Published in November 2015 as BR Pub 15/11 and BR Pub 15/12.
PUB00229	FBT – Liability of charitable organisations for FBT	BR Pub 09/03 states that a charitable organisation will not be in business unless the organisation's constitution states that one of its purposes is to make a profit.	Review the correctness of the commentary to BR Pub 09/03.	Internal consultation closed in January 2016. Aiming for external consultation in second half of 2016.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00249	FBT – Motor vehicles	Clarify issues around the FBT treatment of motor vehicles. Illustrate with some simple examples (eg, around the relevance of signwriting on a car).	A number of commentators have written articles on this topic. These suggest that IR does not have sufficient public guidance in this area. The aim of this item will be to educate taxpayers on their FBT obligations when they provide employees with a motor vehicle.	Continuing to work on issues.
PUB00250	FBT – Cost price of the vehicle – meaning of the term for fringe benefit tax purposes	It has been suggested that BR 09/08 contains an error in that it suggests that employers are required to use the GST inclusive price for the cost of a motor vehicle for FBT purposes where the Act gives taxpayers a choice.	It has been suggested that BR 09/08 contains an error. This item will review the analysis in BR 09/08 and, if necessary, correct any error.	Finalised. No error was established but further clarification will be included in PUB00249.
PUB00251	FBT – Cars left at airport – 24 hour exemption	Update and replace 'Fringe benefit tax – cars left at airport – 24 hour exemption' (PIB 144 (March 1986)). Clarify the application of the exclusion from FBT for absences from home (s CX 6(4) of the Income Tax Act 2007).	The PIB Review Project identified this PIB item as being out of date and incorrect. As taxpayers may be relying on the PIB item, it is desirable to replace it with an item that correctly reflects the current legislation. This is also being included because IR has agreed that some of the outstanding PIB Review Project items will be included on the Public Rulings' work programme each year.	Continuing to work on issues.
PUB00252	FBT – Emergency call exemption	Update and replace Questions 8, 9 & 15 PIB 137 (July 1985), "Emergency call exemption" (PIB 138, September 1985) and "What is an 'emergency call' for FBT purposes?" (TIB Vol 6, No 9, February 1995). Clarify the application of the FBT exemption for emergency calls in s CX 6(3) and (5) of the Income Tax Act 2007.	The PIB Review identified these items as being out of date and covering an area where IR does not currently have sufficient public guidance for taxpayers. This is also being included because IR has agreed that some of the outstanding PIB Review Project items will be included on the Public Rulings' work programme each year.	Continuing to work on issues.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00253	GST – Application of s 11A(1)(d) to the provision of a travel insurance policy	Whether (and to what extent) s 11A(1)(d) zero-rates the provision of a travel insurance policy to a NZ resident where the policy includes cover for risks outside NZ (loss of luggage, death etc).	Taxpayers and their agents have suggested that there is insufficient public guidance on IR's position on this issue.	This item has been removed from the work programme. The immediate issue prompting the item being placed on the work programme was satisfactorily resolved and further enquiries have failed to confirm that significant interpretative issues are being encountered on this topic.
PUB00247	GST – Compulsory acquisition of land – treatment of related costs	Clarify the GST treatment of costs associated with the compulsory acquisition of land. These include valuation fees and legal fees supplied to the land owner during the compulsory acquisition process.	QB 13/03 considered the GST treatment of compensation received by land owners when their land was compulsorily acquired. However, the QWBA did not consider the GST treatment of costs incurred by land owners, many of which are paid for by the body acquiring the land. There is uncertainty among taxpayers and advisors as to how these amounts should be treated.	Published as QB 16/02 in March 2016.
PUB00255	GST – Compulsory zero-rating rules (general application)	Outline how the CZR rules work using some common examples.	Many taxpayers do not understand how the CZR rules work in practice. This item would aim to educate taxpayers about the fundamental aspects of the CZR rules and illustrate this with some common examples.	Considering issues.
PUB00256	GST – Compulsory zero-rating rules (some specific interpretative issues)	There are a number of interpretive issues with the CZR rules. This item will consider several issues that have arisen in practice.	The treatment of certain transactions under the CZR rules is unclear and is causing confusion for IR, taxpayers and agents. This item would aim to resolve some of these uncertainties.	Not allocated.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00257	GST – Grouping rules	How the grouping rules interact with other provisions in the GST Act. In particular do the deeming rules in the grouping provisions apply to all of the provisions in the Act or are they limited to allowing consolidation of transactions in a GST return.	There is significant uncertainty around how the GST grouping rules apply in practice. IR regularly receives queries from taxpayers on GST grouping issues. This item will aim to resolve these uncertainties.	Not allocated.
PUB00270	GST – Local authority rates apportionments	BR Pub 10/10 - 10/13 reissue	Current rulings expired on 23 September 2015.	Published in February 2016 as BR Pub 16/01 - BR Pub 16/04.
PUB00211	GST – Output tax – Parking infringement fines	Confirm current GST treatment of infringement fines imposed by local authorities.	Translate into a public ruling previous advice given regarding the GST treatment of infringement fines so that it is more widely available.	Starting to work on issues.
PUB00222	GST – Partnerships – Capital contributions	What is the GST treatment when a partner joins a partnership by making a contribution of partnership capital?	Further issue arising out of QWBA 14/03. Raised by external submissions.	Published as QB 16/04 in June 2016.
PUB00243	GST – Progress payments on boats to be exported	This issue is how to treat payments under a contract that provides for regular progress payments. The first payment may trigger the time of supply and, therefore, start the 28-day export period. The Commissioner can extend the 28-day period for export but there is no clear guidance on how the provision should be applied in these situations.	Clarity around the Commissioner's approach to the issue would provide greater certainty for taxpayers and Inland Revenue staff. This is also being included because IR has agreed that some of the outstanding PIB Review Project items will be included on the Public Rulings' work programme each year.	Published as QB 15/14 in December 2015.
INS00109	GST – Retirement villages	Review IS 10/08: "GST and retirement villages" for changes consequent on Taxation (GST and Remedial Matters) Act 2010.	Update the existing interpretation statement on the GST treatment of retirement village providers post 2010 changes to the GSTA. Much remains the same but the new provisions create new issues needing clarity and an IR position. Retirement Village industry keen to get clarity.	Published as IS 15/02 in October 2015.
PUB00228	GST – Supply – Single versus multiple supplies	What are the principles that determine whether there is a single supply or multiple supplies being made for GST purposes?	General guidance on the law with some examples of how the law applies in practice in this area set out in one place would be of use to both an internal and external audience.	External consultation closes on 29 July 2016.

Project no.	Title	Topic	Reason for public item	Status & next steps
QWB00078	GST – Taxable activity – Non-profit bodies and section 20(3K)	Considers non-profit bodies conducting taxable activities and their ability to claim input credits as well as the output tax adjustments required to deregister from GST.	Attempting to clarify the operation of s 20(3K) and the extent of the assets forming part of a taxable activity on deregistration.	External consultation closed 24 April 2015. Considering external submissions.
PUB00224	GST – Trusts – Treatment of bare trusts for GST purposes	How are bare trusts treated for GST purposes?	Raised externally as an area where clarity would be appreciated. There has been past consideration by Inland Revenue of individual cases.	Published as QB 16/03 in April 2016.
PUB00277	GST and unit trust management	Whether services provided by unit trust manager are a financial service.	Communicate IR's changed views on GST treatment of the relevant fees.	Finalising two draft QWBAs for public consultation in July 2016.
PUB00237	Income Tax – Allowances – first aid allowances	Considering the circumstances in which first aid allowances can be paid tax free.	Part of the work updating the PIB items on allowances.	Published as QB 15/15 in December 2015.
PUB00234	Income tax – Allowances – allowances paid to chainsaw operators	The tax treatment of allowances paid to employees who own and operate their own chainsaws as part of their job in the logging industry.	Replacing two PIB items that set out rates for tax free allowances. Considers the meaning of 'allowance' in s CE 1(1)(a) and the exemption in s CW 17.	Published as QB 15/08 in September 2015.
PUB00273	Income tax – Associated persons – Corporate trustees	Guidance on whether a corporate trustee is a "company" for the s YA 1 definition of "dividend".	Uncertainty has been created following the decisions in <i>Concepts 124 Ltd v CIR</i> [2014] NZHC 2140 and <i>Staithes Drive Development Limited v CIR</i> [2015] NZHC 2,593.	Aiming to issue a draft QWBA for internal consultation in July 2016.
PUB00236	Income tax – Avoidance – Scenarios on tax avoidance – trusts, limited partnerships and PIEs	Series of examples resulting from a presentation at Chartered Accountants Tax Conference 2014.	Post the CAANZ conference discussion of several examples there is interest in greater certainty about the answers and the reasons behind them.	Published as QB 15/11 in September 2015.
PUB00171	Income tax – Deductibility – Costs associated with obtaining resource consents	Tax treatment of costs associated with resource consents other than those within item 10 in Schedule 14 of the ITA 2007.	Lack of clarity as to when / how costs associated with resource consents are deductible – i.e. when the resource consent does not fall within schedule 14(10); when costs are incurred to remove obstacles to obtaining resource consents.	On hold due to litigation.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00223	Income tax – Deductibility – When are the costs of obtaining a seismic assessment report deductible?	In what circumstances can taxpayers take a deduction for the cost of obtaining a seismic assessment of their building's capacity to withstand earthquakes?	It is anticipated that businesses owning property and landlords increasingly will incur costs for obtaining a seismic assessment for their building. Clarity as to deductibility would be helpful.	External consultation closed on 29 January 2016. Considering submissions.
PUB00205	Income tax – Deductibility of farm dwelling expenses and apportionment	Whether and to what extent expenses relating to a farm dwelling are deductible.	Review of several longstanding Inland Revenue positions on interest, rates and other farm dwelling expenses. Need to test interpretative basis for these positions.	Considering internal submissions.
PUB00168	Income tax – Deductibility of private/revenue expenses	Deductibility of expenses that are both private and revenue in nature – whether all deductible or apportionment applies.	Considers the scope of the dicta from several 1980s Court of Appeal cases on interest deductibility in regard to dual private and revenue expenditure.	On hold pending policy consideration.
PUB00240	Income tax – Deductibility of software developer's costs	Review of Tax Treatment of Computer Software published in an appendix to Tax Information Bulletin Volume Four, No 10 (May 1993). This item focuses on software developers.	Given the age of the appendix the aim will be to provide a useful current statement on various issues around the development, acquisition and depreciation of software that have not otherwise been updated.	Briefing note gone to MOR then publish issues paper.
PUB00221	Income tax – Depreciation – Computer software	Review of Tax Treatment of Computer Software published in an appendix to Tax Information Bulletin Volume Four, No 10 (May 1993). This item focuses on software acquired or developed for use in a taxpayer's own business .	Given the age of the appendix the aim will be to provide a useful current statement on various issues around the development, acquisition and depreciation of software that have not otherwise been updated.	Published as IS 16/01 in May 2016.
PUB00274	Income tax – Depreciation – Identifying items of depreciable property	This item would set out the principles to apply to identify an item of depreciable property.	QB 15/03 referred to the IS 10/01 statement on residential properties and IS 12/03 on repairs & maintenance for guidance on this point. Having a more general statement setting out the principles that apply to identify the item would provide greater certainty.	Not allocated.
PUB00231	Income tax – Derivation – Timing of when to return professional services fees	Update and replace guidance on the timing of derivation of professional services fees.	Update and replace PIB 37-4 following the PIB review project.	Considering internal submissions.

Project no.	Title	Topic	Reason for public item	Status & next steps
INS00098	Income tax – Dividends – Timing of when paid or derived	Dividends – timing of when paid or derived.	Long-standing issue where clarification sought.	On hold pending policy consideration.
INS00126	Income tax – Donee organisations – wholly or mainly	This item discusses the meaning of “wholly or mainly” in New Zealand for donation tax credit purposes.	We think IR’s current interpretation and application of the phrase is incorrect.	At external consultation until 29 July 2016.
PUB00214	Income tax – Exempt income – Taxation of scholarships and bursaries	In what circumstances are scholarships and bursaries treated as exempt income under s CW 36?	Translate into a public item previous advice given on the application of s CW 36.	Published as IS 15/01 in August 2015.
PUB00230	Income tax – Financial arrangements – Debt remission income on limited recourse loans	Considers base price adjustment, remission income and deductibility for limited recourse loans where the lender’s right to recover is limited to specific funds or assets.	Guidance sought on income tax implications of limited recourse loans. Raised by externals as an area needing clarity.	Project closed and referred to Policy for clarification.
PUB00184	Income tax – Foreign currency conversion for branches	Provide further guidance on how to convert certain types of foreign currency transactions into New Zealand currency.	Area of doubt for taxpayers and advisers. Attempting to produce practical guidance. Raised by advisers wanting clarity in this area.	Approval published in September 2015. See: http://www.ird.govt.nz/technical-tax/determinations/foreign-currency/
PUB00215	Income tax – Insurance – Life and accident insurance provided in an employment context	Addresses assessability, deductibility and FBT issues relating to the provision of life and accident insurance by employers where an employee(s) is the insured person.	Update and replace PIB 70-6 – staff insurance schemes and 106-2 – life and accident insurance policies following the PIB review project. This will be done in a series of related items.	First two items (on life insurance) finalised as QB 15/05 and QB 15/06. Third and fourth items (on personal sickness or accident insurance) finalised as QB 15/09 and QB 15/10 in September 2015.
PUB00220	Income tax – Land – Acquisition of land issue	How does section CB 6 apply where the “land” that is acquired is different from the “land” that is disposed of?	Referred by Policy & Strategy post select committee submissions.	At external consultation until 10 August 2016.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00219	Income tax – Land – Deductions for the cost of acquiring land as revenue account property	How to determine deductions for the cost of acquiring land that has been subsequently assessed as revenue account property. In particular how this works following the introduction of the new section CB 15B(3) (further land from the exercise of an option) as it appears there is no disposal of the first interest in the land to qualify for a revenue-account deduction.	Referred by Policy & Strategy post select committee submissions.	Published in November 2015 as QB 15/13.
PUB00271	Income tax – Land – Exemptions for land transferred to associated persons	Whether section CB 15 applies when land is transferred to an associated person but the associate uses it in a way that falls within an exemption under sections CB 16 – CB 23B.	There is uncertainty whether associated persons can rely on the exemptions. Where the exemption seems satisfied, an issue arises as to whether it should apply as the purpose of s CB 15 appears to be to ensure the builder / developer etc does not escape paying tax on the gain by transferring land to an associated person.	Not allocated.
PUB00272	Income tax – Land – Exemptions with a purpose requirement	Whether the phrase “for the purpose(s) of” in some of the exemptions provides an additional requirement to be satisfied.	There is uncertainty as to whether the phrase provides an additional requirement. This item will aim to clarify the rules in this area and assist with voluntary compliance.	Not allocated.
PUB00259	Income tax – Land – Habitual land sales	Clarify when taxpayers that regularly on sell their family home will be taxable on the proceeds.	Many taxpayers misunderstand when proceeds from a property sale will be taxable. This item will aim to educate taxpayers on the rules in this area and, therefore, assist with voluntary compliance.	External consultation closed 30 May 2016. Considering submissions.
PUB00260	Income tax – Land – Intention	Clarify the application of s CB 6 with some practical examples. This would include discussion around the timing of the intention test and the interaction between s CB 6 and the proposed new 2-year bright line test.	Many taxpayers misunderstand when proceeds from a property sale will be taxable. This item will aim to educate taxpayers on the rules in this area and, therefore, assist with voluntary compliance.	External consultation closed 7 April 2016. Considering submissions. Expect to finalise in July 2016.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00241	Income tax – Meaning of “unit trust”	Can a unit trust have only one unit holder? Review of CIR statement confirming treatment in expired ruling that a unit trust always needs multiple unit holders.	Doubt has been raised about the accuracy of the existing statement. Need to resolve and clarify for all taxpayers.	External consultation closed 21 March 2016. Considering submissions. Expect to finalise by mid-July.
PUB00258	Income tax – Partnership – Introduction of assets to a partnership by a partner	The Income Tax Act treats partners as owning a proportionate share of the partnership assets. The issue in this item is how the Act treats the transfer of an asset from a partner to a partnership. In particular, does the Act treat the entire asset as being disposed of (and then a proportionate share of it effectively reacquired by the partner) or does it treat only part of the asset as being disposed of to the partnership.	QB 14/02 considered the income tax effects of a new partner entering an existing partnership. This item considers a related issue. We have been told that there is significant uncertainty among practitioners as to how a transfer of an asset to a partnership should be treated.	Started working on the issues.
PUB00276	Income tax – Residence – Reviewing the permanent place of abode test following <i>Diamond</i>	Concerns one of the tax residence tests for individuals – the “ permanent place of abode ” test in s YD 1(2).	As a result of the Court of Appeal decision in <i>CIR v Diamond</i> [2015] NZCA 613, part of Interpretation Statement IS 14/01 needs to be updated.	At external consultation until 10 August 2016.
PUB00227	Income tax – Revenue account property – Are non-income producing assets (eg gold) Revenue Account Property?	Guidance on whether investment in assets that do not produce income “are necessarily held on revenue account ”.	Raised externally as area where clarity could be provided.	Considering external submissions. Working on item.
PUB00262	Income Tax - Review of IS 2215 “Income tax treatment of New Zealand patents”	Consider the correctness of IS 2215 in light of legislative changes proposed in relation to black hole expenditure in the Taxation (Annual Rates for 2015-16, Research and Development, and Remedial Matters) Bill.	Legislative changes proposed in the Taxation (Annual Rates for 2015-16, Research and Development, and Remedial Matters) Bill may impact on the correctness of IS 2215. This item would consider those changes (when enacted) and, if required, update IS 2215.	Started working on the issues.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00263	Income tax – Share reclassifications	The issue is whether there are circumstances in which a share reclassification or alteration of rights attaching to shares means that there has been a share cancellation and issue of new shares. Also consider whether any aspects of "ASC - Consequences of Deemed Reregistration" Tax Information Bulletin Vol 10, No 7 (July 1998) need clarifying in light of the conclusions reached on this issue.	A number of taxpayers have requested IR's view on whether shares they have issued will be treated as cancelled and reissued when there is an alteration of shareholders' rights in accordance with the terms of the shares. There is general uncertainty in this area so it will be useful for taxpayers if the Commissioner clarifies her view on this issue.	Started working on the issues.
PUB00269	Income tax – Subdivision of shares under s CB 4	BR Pub 13/01 & 13/02 reissue.	Current rulings expire on 20 May 2016.	Published in April 2016 as BR Pub 16/05 and 16/06.
PUB00218	Income tax – Tax credits – Availability of foreign tax credits	Foreign tax credits – relationship between DTAs and domestic law.	Post completing the item on the availability of FTCs for taxes not covered by a DTA, there is interest from advisers in clarifying the position for taxes covered by DTAs.	External consultation closes on 29 July 2016.
PUB00190	Income tax – Tax credits – Donations – Meaning of "gift"	Where a person makes a cash "donation" to a charity and receives something back from the charity, can all or part of the payment be a "gift" for donation tax credit purposes?	To provide further clarity about the meaning of "gift" in s LD 3 of the ITA 2007 in circumstances where the payer makes a payment and receives (or someone else receives) a benefit from that payment.	Published in June 2016 as QB 16/05.
PUB00225	Income tax – Tax credits – Meaning of "temporary basis" in the definition of "principal caregiver" for working for families legislation.	What is meant by "temporary basis" in the definition of "principal caregiver" for the purposes of s MC 10(1)(a) – working for families legislation? Guidance is sought on what is meant by temporary basis as can affect entitlement to WFF tax credits.	Issue raised internally by call centre staff. Difficult area for Inland Revenue and taxpayers – general principles sought.	Published in February 2016 as QB 16/01.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00248	Income tax – Taxation of income derived from on-line activities	When income from on-line activities will be taxable. This will include examples such as taxpayers that earn income from advertising on websites (such as through YouTube).	This is an area where many taxpayers are not aware of their tax obligations. The item will aim to educate taxpayers around when amounts received from on line activities will be taxable. This will assist with voluntary compliance.	Considering internal consultation submissions.
PUB00246	Income tax – tax treatment of lump sum settlement payments	When will an undissected lump sum payment received under a compromise settlement in respect of claims that (if successful) would have resulted in receipts of both a capital and revenue nature be taxable to the recipient.	There appears to be some uncertainty among taxpayers as to how the Commissioner will treat a lump sum payment made to settle claims that are partly capital and partly revenue in nature. In particular, some taxpayers appear to have taken the view that the lump sum would be treated as wholly capital and, therefore, not subject to income tax. This item will set out the Commissioner's view on this issue.	External consultation closed 19 January 2016. Considering external submissions. Expect to finalise late July.
PUB00265	Income tax – Timing – Deductibility of costs of land development and other expenses	When can costs that are incurred by property developers in respect of land that is held for sale, but unsold, be claimed as a deduction.	This is a significant area of uncertainty for IR and taxpayers. This also relates to PIB 179 (1989) and hence this has also been included because IR has agreed that some of the outstanding PIB Review Project items will be included on the Public Rulings' work programme each year.	Not allocated.
PUB00209	Income tax – Trusts – Beneficiaries as settlors	The issue is whether a beneficiary of a trust will be treated as a "settlor" of the trust where the beneficiary has beneficiary income that is credited to a current account with the trust rather than being transferred to the beneficiary.	This issue has been raised both internally and externally; opportunity to clarify the law in this area and confirm when the "settlor" definition will apply. Advisers have suggested an item on this would be useful.	External consultation closed 5 February 2015. On hold pending consideration of possible remedial response by mid July 2016.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00261	Income Tax – Trusts – Review of 1989 TIB on the taxation of trusts	Update and replace 'Taxation of trusts' (Appendix to Tax Information Bulletin Vol 1, No 5 (November 1989)).	The 1989 TIB is a comprehensive statement on the income tax treatment of trusts. It was written following the introduction of new trusts legislation in 1988. The TIB is the latest view provided by the Commissioner on many of the issues it covers and is still relied on by taxpayers. The item discusses the Income Tax Act 1976 and is, therefore, significantly out of date. This item would update and replace the 1989 item so that it reflects the current legislation.	Considering issues.
PUB00266	Income Tax - Update and replace IG 007 "Non-resident software suppliers' payments derived from New Zealand—Income tax treatment"	Clarify the income tax treatment (under NZ domestic law and double tax agreements) of payments derived from NZ by non-resident suppliers of computer software. More specifically: <ul style="list-style-type: none"> the proper character of payments for supplies of computer software (whether payments are royalties, business or rental income, for services, or non-taxable receipts; and the possible income tax treatment of each type of payment (including for NRWT). 	It has been suggested both internally and by external practitioners that IG 007 is out of date, particularly in light of technological developments in the way software is transacted.	Project to commence July 2016.
PUB00226	Income tax – What is the income tax treatment of crypto-currencies?	The income tax treatment of Bitcoin and other crypto-currencies.	There is interest in Inland Revenue stating how such currencies should be treated for income tax purposes – other revenue authorities have given guidance.	Not allocated.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00267	Income tax – Withholding tax treatment of directors’ fees	Provide updated guidance on the income tax withholding treatment of directors’ fees. In particular clarify issues around cross-border situations and situations where the individual director is not the immediate, beneficial, or ultimate recipient of the fees (such as when fees are paid directly to a company or where the director is required to reimburse the company for fees received).	BR Pub 15/10 clarified the GST treatment of directors’ fees. It has been suggested that similar interpretive uncertainties arise in an income tax context – in particular in relation to withholding obligations.	Not allocated.
PUB00268	RWT – In-specie dividends	How RWT applies where a company pays an in-specie dividend to shareholders, some of whom are subject to RWT and some of whom are not. This will usually occur in the context of a reorganisation.	There is considerable misunderstanding among taxpayers as to how RWT applies in this situation. This item will aim to provide some certainty in this area.	Not allocated.
QWB00081	Tax Administration – Due and payable – s 91E(4)(d)(i) of the Tax Administration Act 1994	Considers whether/when a tax is due and payable before the application for a private binding ruling is received.	Clarifies when taxpayers are able to seek a binding ruling on past periods.	Published as QB 15/07 in August 2015.
QWB00085	Tax Administration – Period of binding ruling	Guidance to applicants and agents as to the period of private and product rulings.	Set out CIR’s practice in setting the length of the term of a private or product ruling.	External consultation closed 5 May 2016. Considering external submissions.