

Public Guidance Work Programme 2021-22



Monthly update – position as at 10 June 2022

Public items are summarised below based on their current status and any changes since the last update are shown in bold font. Items we have completed are noted at the bottom of the list with references to the finalised item. Further information is provided in a more detailed table immediately below. If you have any queries or feedback about the Public Guidance Work Programme please email public.consultation@ird.govt.nz.

Project no.	Title	Focus of tax issue						Need for item		
		Company	Trust	Individual	Land	Inter-national	Charities	Technical uncertainty	Compliance / education	Refresh / update
Items we expect to publish this month										
PUB00410	GST – Services supplied to international aircraft (PIB)	✓						✓		✓
PUB00395	Income tax – Depreciation – Update of IS 10/02 on meaning of building	✓	✓	✓	✓			✓		✓
PUB00396	Income tax – Financial arrangements rules – Changing status between cash basis and non-cash basis			✓				✓	✓	
PUB00411	Income tax – Land – Meaning of ‘disposal’ in the land sale rules	✓	✓	✓	✓			✓	✓	
Items where external consultation has closed										
PUB00290	GST and Income tax – Treatment of bloodstock breeding partnerships			✓				✓	✓	
PUB00305	Income tax – Tax avoidance – Review of Interpretation Statement on the application of ss BG 1 and GA 1	✓	✓	✓				✓		✓
Items currently at external consultation										
Items we expect to send to external consultation this month										
PUB00424	GST – Directors, board members and trustees – Taxable activity	✓	✓	✓				✓	✓	
PUB00394	Income tax – Depreciation – Treatment of Government grants as they affect the cost base of assets	✓					✓	✓	✓	✓
PUB00415	Income tax – Interest deductibility where amount not determined at balance date (PIB)	✓	✓	✓				✓		✓
PUB00376	Income tax – Loss continuity proposals	✓						✓	✓	
Items currently in progress										
PUB00389	GST – Bodies corporate – Transactions between a body corporate and its members	✓		✓				✓	✓	
PUB00436	GST – Disposal of an interest in a joint venture involving land				✓			✓	✓	
PUB00425	GST – Grants and subsidies		✓	✓			✓		✓	
PUB00413	GST – Not-for-profit bodies – Supplies of donated goods and services (PIB)						✓	✓	✓	✓
PUB00422	GST – Section 8(4) - Non-residents registering under s 51	✓	✓	✓		✓		✓	✓	

Project no.	Title	Focus of tax issue					Need for item			
		Company	Trust	Individual	Land	Inter-national	Charities	Technical uncertainty	Compliance / education	Refresh / update
PUB00426	GST – Specified agents – Update of item in TIB Vol 7, No 6 (December 1995)	✓		✓				✓	✓	✓
PUB00428	GST – Transitional housing	✓	✓					✓	✓	
PUB00340	GST and Income tax – Payments made by parents to early learning centres, kindergartens and home-based education providers			✓			✓	✓	✓	
PUB00341	GST and Income tax – Payments made by parents to private schools			✓			✓	✓	✓	
PUB00392	Income tax – Charities – Apportioning business income under s CW 42 where purposes are not limited to New Zealand		✓				✓	✓	✓	
PUB00360	Income tax – Deductions – Apportionment of overseas travel expenses for private element	✓		✓					✓	✓
PUB00274	Income tax – Depreciation – Identifying items of depreciable property	✓						✓		
PUB00443	Income tax – FIFO default calculation method			✓		✓			✓	
PUB00441	Income tax – How the interest limitation rules apply to short-stay accommodation properties			✓	✓			✓	✓	
PUB00433	Income tax – Income – Donations		✓				✓	✓	✓	
PUB00397	Income tax – Land – apportioning expenses and the loss ringfencing rules for properties rented to flatmates			✓	✓			✓	✓	
PUB00351	Income tax – Land – Bright-line and certain family and close relationship transactions			✓	✓			✓		
PUB00417	Income tax – Land – Deductibility of holding costs of land	✓	✓	✓	✓			✓	✓	
PUB00434	Income tax – Land – Forfeited deposits	✓	✓	✓	✓			✓	✓	
PUB00429	Income tax – Land – Main home exclusion and secondees			✓	✓			✓	✓	
PUB00398	Income tax – Losses – Loss offsets between group companies	✓						✓	✓	
PUB00418	Income tax – Provisional tax – Employees and one-off amounts – Update of QB 19/03			✓						✓
PUB00435	Income tax – Tax credits – Research and development loss tax credit applications	✓	✓	✓					✓	
PUB00407	Income tax – Trusts – New Zealand – Australia DTA		✓			✓		✓		
PUB00375	Income tax – Trusts – Trust remedial issues		✓					✓		
Items not currently being worked on										
PUB00423	GST – Court awards and out of court settlements – Update of IS3387	✓	✓	✓					✓	✓
PUB00412	GST – Foster care payments (PIB)			✓					✓	✓
PUB00356	GST – Input tax – Registered members of unregistered unincorporated bodies			✓				✓		
PUB00427	GST – Taxable activity – Subdivisions and small-scale property development – Update of item in TIB Vol 7, No.2 (August 1995)	✓	✓	✓	✓			✓	✓	✓
PUB00416	Income tax – Investing in Australian unit trusts	✓	✓	✓		✓		✓	✓	
PUB00430	Income tax – Livestock valuation – Election of method – Update of item in TIB Vol 16, No. 5 (June 2004)	✓		✓				✓	✓	✓

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		Company	Trust	Individual	Land	Inter-national	Charities	Technical uncertainty	Compliance / education	Refresh / update
PUB00388	Income tax – Low value assets write-offs	✓		✓				✓	✓	
PUB00367	Income tax – Partnerships – Taxation of partnerships			✓				✓	✓	
PUB00419	Income tax – Tax credits – Donee organisations and gifting – Update of QB 16/05			✓			✓	✓	✓	✓
Items on hold										
PUB00355	GST – Grouping – How the grouping rules operate	✓						✓		
PUB00322	GST – Grouping – Which entities can form a group	✓	✓	✓				✓		
PUB00330	GST – Input tax – Purchases of goods on deferred terms	✓	✓	✓				✓		
PUB00364	Income tax – Employee share schemes (some specific interpretive issues)	✓		✓				✓		
PUB00266	Income tax – Payments derived from New Zealand by non-resident software suppliers	✓	✓	✓		✓		✓		
PUB00431	Income tax – Scholar payment rules – Labour-hire firms	✓	✓					✓	✓	
PUB00400	Income tax – Short-stay accommodation where property owned by a company	✓			✓			✓	✓	
PUB00335	Income tax – Withholding tax – New Zealand tax obligations for cross-border workers	✓		✓		✓		✓	✓	
Completed items since 1 July 2021										
PUB00256	GST – Compulsory zero-rating rules – When does s 5(23) apply to shift GST liability to the purchaser of land?	✓	✓	✓	✓			✓		
PUB00439	GST - Customs Brokers and GST levied by Customs	✓						✓	✓	
PUB00390	GST – Definition of “resident” – Update of 1994 TIB statement			✓		✓		✓		✓
PUB00438	GST - Importers and GST input tax deductions	✓						✓		✓
PUB00440	GST - Importers and recalculated GST	✓		✓				✓	✓	
PUB00357	GST – Leases – Difference between hire purchase agreements and agreements to hire	✓						✓		✓
PUB00391	Income tax – Apportioning expenditure for motel / hotel owners claiming business portion of personal accommodation	✓		✓					✓	✓
PUB00387	Income tax - Debt capitalisation by a third party and tax avoidance	✓						✓	✓	
PUB00432	Income tax – Deductibility of “abnormal” costs incurred because of COVID-19	✓	✓	✓				✓		
PUB00361	Income tax – Deductions – Meal expenses			✓					✓	
PUB00362	Income tax – Dividends – Non-cash dividends	✓		✓						✓
PUB00401	Income tax – Foreign exchange rates approval	✓	✓	✓		✓			✓	
PUB00414	Income tax – Income – Common law interest – Review of QB 09/03	✓	✓	✓				✓		✓
PUB00365	Income tax – Income – Income from online sponsorship and patronage			✓					✓	
PUB00370	Income tax – Tax credits – Segmentation of foreign-sourced income	✓	✓	✓		✓		✓	✓	
PUB00437	Income tax, GST and FBT – Clean Car Discount – tax consequences	✓	✓	✓			✓	✓	✓	
PUB00372	Income tax – Tax credits – Meaning of public fund		✓				✓	✓	✓	

Project no.	Title	Focus of tax issue					Need for item			
		Company	Trust	Individual	Land	Inter-national	Charities	Technical uncertainty	Compliance / education	Refresh / update
PUB00421	Re-issue of BR Pub 18/01 – BR Pub 18/05 Income tax – Australian limited partnership and foreign tax credits					✓				✓
PUB00420	Re-issue of BR Pub 17/06 Fringe benefit tax – Charitable and other donee organisations and fringe benefit tax		✓				✓			✓

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. Items that have been completed are shaded light blue for ease of identification. Items that are on hold are shaded grey.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00256	GST – Compulsory zero-rating rules – When does s 5(23) apply to shift GST liability to the purchaser of land?	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. It will build on the analysis in IS 17/08 – <i>GST – compulsory zero-rating of land rules (general application)</i> .	Following submissions, the matter has been referred to Policy for a legislative solution.
PUB00266	Income tax – Payments derived from New Zealand by non-resident software suppliers	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 IG0007 “Non-resident software suppliers’ payments derived from New Zealand— Income tax treatment” is out of date, particularly in light of technological developments in the way software is transacted.	Currently on hold awaiting finalisation of US Regulations on software. Anticipate recommending project early 2022.
PUB00274	Income tax – Depreciation – Identifying items of depreciable property	This item will set out the principles to apply to identify an item of depreciable property.	QB 15/03 referred to IS 10/01 on residential properties and IS 12/03 on repairs and 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.	Considering issues.
PUB00290	GST and Income tax – Tax treatment of bloodstock breeding partnerships	Provide guidance on the income tax and GST treatment for taxpayers that invest in bloodstock breeding partnerships.	There has been some uncertainty among taxpayers as to how bloodstock breeding partnerships should be treated for income tax and GST purposes.	External consultation closed 23 December 2016. Considering submissions.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00305	Income tax – Tax avoidance – Review of Interpretation Statement on the application of ss BG 1 and GA 1	Review of IS 13/01 - <i>Tax avoidance and the interpretation of sections BG 1 and GA 1 of the Income Tax Act 2007.</i>	Inland Revenue considers that IS 13/01 should be reviewed and updated.	External consultation closed 31 March 2021. Currently waiting on Supreme Court decision in <i>Frucor</i>.
PUB00322	GST – Grouping – Which entities can form a group	In the course of PUB00257, the issue of which entities can group with other entities and the rules around this was identified as separate to the consequences of grouping.	This issue was identified in PUB00257 and will be considered separately.	On hold pending policy consideration.
PUB00330	GST – Input tax deductions – Purchases of goods on deferred terms	The application of the GST rules for hire purchase agreements to purchases of goods on a deferred settlement basis or where the final purchase of goods is deferred in some way.	This issue was raised at a seminar on rural tax issues. The issue potentially arises where farmers purchase fertiliser on deferred terms before balance date, but also can apply more broadly in other situations where the final purchase of goods is deferred.	External consultation closed 24 December 2021. On hold pending policy consideration.
PUB00335	Income tax – Withholding tax – New Zealand tax obligations for cross-border workers	Clarify the New Zealand income tax obligations for cross-border workers (under NZ domestic law and double tax agreements).	The Commissioner’s guidance on the New Zealand income tax obligations for cross-border workers would benefit from being reviewed and consolidated. This item will complement the broader work being done across Inland Revenue.	Not currently allocated, as awaiting outcome of Policy work relating to offshore employers. See Officials’ issues paper (policy) published 5 October 2021.
PUB00339	Income tax – Trusts – New Zealand-Australia DTA	Guidance for NZ trusts on the application of DTAs and the resulting implications in terms of Foreign tax credits, determination of residency, and permanent establishment issues.	Following on from the interpretation statement on trusts (IS 18/01), there is interest in guidance being provided on how DTAs apply to trusts. This guidance will be provided in the context of the New Zealand-Australia DTA.	Issues Paper issued December 2020. Next steps prepare interpretation statement for consultation. See PUB00407 .
PUB00340	GST and Income tax – Payments made by parents to early learning centres, kindergartens and home-based education providers	Income tax and GST treatment of payments made by parents to early learning centres, kindergartens and home-based education providers, including koha payments.	This item follows clarification of payments by parents to state and state integrated schools (QB 18/10 , QB 18/11 and BR Pub 18/06). Recent court decisions will be reflected in the item. The item will consolidate and update various published statements and will consider subsidised early childhood education.	Considering issues.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00341	GST and Income tax – Payments made by parents to private schools	Income tax and GST treatment of payments made by parents to private schools.	This item follows clarification of payments by parents to state and state integrated schools (QB 18/10 , QB 18/11 and BR Pub 18/06). Recent court decisions will be reflected in the item.	Considering issues.
PUB00351	Income tax – Land – Bright-line and certain family and close relationship transactions	Considers certain interpretive issues that have arisen for the bright-line test in practice.	This item will resolve uncertainties relating to ownership for certain transactions under the bright-line test.	Considering issues.
PUB00355	GST – Grouping – How the grouping rules operate	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. This item will follow on from <i>Issues Paper IRRUIP 13: Consequences of GST group registration</i> .	On hold pending policy consideration. Refer current Bill.
PUB00356	GST – Input tax – Registered members of unregistered unincorporated bodies	Whether registered members of unincorporated bodies can claim GST input tax when the body is not registered.	Like other persons, unincorporated bodies do not have to register for GST if their total supplies are under the registration threshold. Guidance is sought as to whether GST-registered members of such a body can claim their share of any GST input tax paid by the body.	Scoped. Not currently allocated.
PUB00357	GST – Leases – Difference between hire purchase agreements and agreements to hire	Explain when lease arrangements are hire purchase agreements and when they are agreements to hire for GST purposes.	Update and replace <i>GST and finance leases - classification, method of accounting and treatment of residual value clause</i> in TIB Vol 8, No 1 (July 1996).	Finalised. Published as IS 21/02 April 2022.
PUB00360	Income tax – Deductions – Apportionment of overseas travel expenses for private element	Guidance on how to apportion overseas travel expenses for trips where there are both business and private elements.	An article in TIB Vol 7, No 2 (August 1995) explains the general principles. It will be revised and updated.	Considering issues.
PUB00361	Income tax – Deductions – Meal expenses	Consider the deductibility of expenditure on meals when travelling on business.	There is inconsistent practice especially by contractors and self-employed persons claiming meal expenses when making business trips. This item will clarify the tax treatment particularly for day trips.	Finalised. Published as IS 21/06 July 2021.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00362	Income tax – Dividends – Non-cash dividends	Review of the item in Public Information Bulletin No. 125 (March 1984) on <i>deemed dividends</i> .	IR has agreed that some of the outstanding PIB Review Project items will be included on the Public Rulings' work programme each year. The aim of this item is to clarify the treatment of deemed dividends.	Finalised. Published as QB 21/05 July 2021.
PUB00364	Income tax – Employee share schemes (some specific interpretive issues)	This item will consider several interpretive issues that have arisen for employee share schemes.	This item would aim to resolve some of the uncertainties for transactions under the employee share scheme rules.	On hold pending policy consideration.
PUB00365	Income tax – Income – Income from online sponsorship and patronage	Clarify when income derived from online activities such as sponsorships and patronage is taxable.	Following QB 17/05 , further questions have been asked about income received online from sponsorships or patronage. This item will clarify when these amounts should be treated as income.	Finalised. Published as IS 21/08 September 2021.
PUB00367	Income tax – Partnerships – Taxation of partnerships	General statement on the taxation of partnerships.	Building on QB 17/09 - <i>Is there a full or partial disposal when an asset is contributed to a partnership as a capital contribution?</i> , this statement will aim to explain the taxation of partnerships as IS 18/01 - <i>Taxation of trusts</i> did for trusts.	Not currently allocated.
PUB00370	Income tax – Tax credits – Segmentation of foreign-sourced income	Explain how subpart LJ works in terms of identifying a segment of foreign sourced income.	Further guidance has been sought on the interpretation of a "segment of foreign sourced income" for the purposes of subpart LJ.	Finalised. Published as IS 21/09 December 2021.
PUB00372	Income tax – Tax credits – Meaning of public fund	Guidance on s LD 3(2)(d) which confers donee organisation status to a "public fund".	Following QB 19/10 - <i>Donations: What is required to establish and maintain a fund under s LD 3(2)(c) of the Income Tax Act 2007?</i> further questions have been raised as to what is required to establish and maintain a s LD 3(2)(d) public fund.	Finalised. Published as QB 22/02 April 2022.
PUB00375	Income Tax – Trusts – Trust remedial issues	A number of amendments to the Income Tax Act 2007 will affect the analysis in IS 18/01 - <i>Taxation of trusts – income tax</i> .	Since IS 18/01 was published, there have been various amendments to the tax laws that apply to trusts. IS 18/01 may need to be updated or supplementary items issued.	Considering issues.
PUB00376	Income tax – Loss continuity proposals	Guidance on the loss continuity rules that enable loss carry-forward where continuity of business activities exists.	To provide guidance on new legislation that raises several novel interpretive issues concerning the expanded scope of the loss continuity rules.	External consultation closed 28 June 2021. Re consultation to occur June/July 2022.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00387	Debt capitalisation by a third party and tax avoidance	Whether debt owed by an insolvent company to a third party can be cancelled without debt forgiveness income to the company by undertaking a two step debt capitalisation (shares issued for cash, cash used to repay debt) rather than a one step debt capitalisation (shares issued in repayment of debt).	It is expected that insolvency restructuring will be required as a result of the economic impact of COVID-19. Practitioners have asked whether two step debt capitalisations which do not produce debt forgiveness income may constitute tax avoidance.	This project is no longer being advanced due to PaRS considering the issue and the expectation that remedial legislation will be introduced so that two step debt capitalisations have the same tax consequence as one step.
PUB00388	Income tax – Low value assets write-offs	Explain the different eligibility rules in s EE 38 for writing-off low value assets on purchase.	We understand the requirements of s EE 38 are not well understood.	Not currently allocated.
PUB00389	GST – Bodies corporate – Transactions between a body corporate and its members	Guidance on several administrative GST issues affecting unit title body corporates.	These issues are becoming more prevalent and affect a number of customers.	Considering issues.
PUB00390	GST – Definition of “resident” – Update of 1994 TIB statement	Review of an item “GST: the definition of resident” published in TIB Vol 5, No 12 (May 1994).	Following the publication of IS 18/07 Goods and Services Tax – Zero-rating of services related to land questions have been raised as to whether the 1994 statement is still correct.	Finalised. Published as IS 21/07 September 2021.
PUB00391	Income tax – Apportioning expenditure for motel / hotel owners claiming business portion of personal accommodation	Review of an item “Adjustment to costs when domestic establishment attached to business premises” in TIB Vol 5, No 11 (April 1994) that allowed a formula approach for motel / hotel owners for claiming business portion of their personal accommodation as a business expense.	Questions have been raised as to whether the approach in that item is consistent with the more recent statements in the short-stay accommodation items .	Finalised. Published as QB 21/10 August 2021.
PUB00392	Income tax – Charities – Apportioning business income under s CW 42 where purposes are not limited to New Zealand	Explain how to allocate business income between NZ and overseas purposes. The item will explain whether income is allocated based on the extent that the entity carries out its charitable purposes in NZ, or the extent to which the entity’s business income is applied for overseas purposes.	This topic was raised by an external submitter as an area for clarification.	Considering issues. Anticipate releasing an Issues Paper in July 2022.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00394	Income tax – Depreciation – Treatment of Government grants as they affect the cost base of assets	Provide guidance on ss DF 1 and CX 47 so businesses know what expenses they can deduct when they receive a grant from a local or public authority.	This topic was raised by an external submitter as an area for clarification.	Considering issues. Anticipate releasing Issues Paper June/July 2022.
PUB00395	Income tax – Depreciation – Update of IS 10/02 on meaning of building	Review of IS 10/02 <i>Meaning of 'building' in the depreciation provisions</i> following the reintroduction of depreciation on some buildings.	This statement was identified by an external submitter as one that needed updating.	External consultation closed 2 May 2022. Considering submissions.
PUB00396	Income tax – Financial arrangements rules – Changing status between cash basis and non-cash basis	Explain the adjustments required for persons changing between cash basis and non-cash basis under the financial arrangements rules.	Some of the consultation comments received on IS 20/07 suggested that further guidance on this issue would be welcome.	External consultation closed 14 April 2022. Considering submissions. Anticipate re consultation June/July 2022.
PUB00397	Income tax – Land – apportioning expenses and the loss ringfencing rules for properties rented to flatmates	This will include consideration of the “main home exclusion” exemption for bright-line, loss ringfencing and mixed use asset rules as it applies to situations where the owner lives with flatmates.	This topic has been raised by external submitters as an area that needs clarification.	Considering issues.
PUB00398	Income tax – Losses – Loss offsets between group companies	This could include guidance on: <ul style="list-style-type: none"> • whether two companies form a group • the commonality period (including when the companies have different balance dates) • the part-year rules that allow losses to be grouped when there has been a breach of commonality or continuity. 	This topic was raised by an external submitter as an area for clarification.	Considering issues.
PUB00400	Income tax – Short-stay accommodation where property owned by a company	Explain the tax consequences of making a property available for short-stay accommodation where it is owned by a company.	This arose from the suite of items issued on the subject of short-stay accommodation.	On hold pending land rule changes.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00401	Income tax – Foreign exchange rates approval	Explain how to calculate appropriate foreign exchange rates for converting amounts of foreign currency to determine the NZ tax position.	Inland Revenue is changing its source of foreign exchange rates to the Reserve Bank of New Zealand.	Finalised. Published as FX 21/01 December 2021.
PUB00407	Income tax – Trusts – New Zealand-Australia DTA	Guidance for NZ trusts on the application of DTAs and the resulting implications in terms of Foreign tax credits, determination of residency, and permanent establishment issues.	This item will provide guidance for New Zealand trusts following submissions received on IRRUIP15 : Income tax – trusts and the Australian–New Zealand Double Tax Agreement.	Preparing interpretation statement for consultation.
PUB00410	GST – Services supplied to international aircraft	PIB 173-11 - GST on services supplied to international aircraft.	This item arises from the PIB review. The PIB item concerns the application of the GST zero-rating rules to services provided by local authorities to international aircraft – like rubbish and lighting etc. Clarification is needed.	External consultation closed 17 May 2022. Anticipate finalisation June 2022.
PUB00411	Income tax – Land - Meaning of ‘disposal’ in the land sale rules	Guidance to assist with understanding when a disposal occurs for the purposes of the land sale rules, specifically where there are changes in co-ownership, subdivisions of land, and changes in trustees.	This has been identified as an area where guidance is needed to support the application of the land sale rules.	External consultation closed 9 November 2021. Considering submissions. Expect to finalise in June/July 2022.
PUB00412	GST – Foster care payments	PIB 179-07 - GST on payments from the Department of Social Welfare to foster parents and organisations concerned with child welfare.	This item arises from the PIB review. Foster carers receive payments in respect of the cost of fostering a child. Clarification is needed on the GST treatment of such payments.	Scoped. Not currently allocated.
PUB00413	GST – Not-for-profit bodies – Supplies of donated goods and services	PIB 164-18 - GST - supply of donated goods and services by a non-profit body.	This item arises from the PIB review. The PIB item concerns an historic administrative allowance or concession where a non-profit body sells donated goods or services that include less than 5 percent of purchased goods. In that case the supply is treated as still exempt. Clarification is needed.	Considering issues.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00414	Income tax – Income – Common law interest – Review of QB 09/03	This is a review of QB 09/03 Decisions on application of CA 1(2) - common law interest and income under ordinary concepts.	QB 09/03 concerns the implications of the decision in <i>CIR v Buis and Burston</i> (2005) 22 NZTC 19,278 – whether so-called ‘common law interest’ that does not fall within the definition of “interest” can be income under s CA 1(2) (Income under ordinary concepts).	Finalised. Published as QB 22/01 April 2022.
PUB00415	Income tax – Interest deductibility where amount not determined at balance date	PIB 130-06 - Deductibility of interest, quantum of which has not been determined at balance date.	This item arises from the PIB review. The PIB item relates to the deductibility of interest where the amount of deduction is not determined at balance date. A company must be “definitely committed” to the expenditure and be able to reasonably estimate expenditure before a deduction is permitted.	Considering issues.
PUB00416	Income tax – Investing in Australian unit trusts	This project will address the income tax consequences for New Zealand resident investors of investing in Australian unit trusts.	Guidance will be a series of public rulings like previously done for investments into Australian limited partnerships (BR Pub 18/01 – BR Pub 18/05) and more recently for US limited liability companies (BR Pub 20/01 – BR Pub 20/05).	Not currently allocated.
PUB00417	Income tax – Land – Deductibility of holding costs of land	This project will consider the deductibility of holding costs of land. Holding costs include such things as interest, rates, property insurance, and repairs and maintenance.	The item will complement the proposed commentary to the new interest deductibility rules for land.	Considering issues.
PUB00418	Income Tax – Provisional tax - Employees and one-off amounts – Update of QB 19/03	This is an update of QB 19/03 <i>Provisional tax – impact on employees who receive one-off amounts of income without tax deducted.</i>	The legislation has been updated and additional issues have been identified that warrant discussion.	Considering issues.
PUB00419	Income tax – Tax credits – Donee organisations and gifting – Update of QB 16/05	This is an update of QB 16/05 <i>Income tax - donee organisations and gifts.</i>	QB 16/05 discusses when payments are gifts for income tax purposes for donee organisations when issuing receipts, and supporters when claiming donation tax credits. This item needs to be updated in light of the Court of Appeal’s decision in <i>The Church of Jesus Christ of Latter-Day Saints Trust Board and Coward v Commissioner of Inland Revenue</i> (2020) NZCA 143.	Not currently allocated.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00420	Re-issue of BR Pub 17/06 Fringe benefit tax - Charitable and other donee organisations and fringe benefit tax	BR Pub 17/06 considers the application of the exemption from FBT for charitable organisations in s CX 25.	BR Pub 17/06 expires on 30 June 2022.	Finalised. Issued as BR Pub 22/06 May 2022.
PUB00421	Re-issue of BR Pub 18/01 - BR Pub 18/05 Income tax - Australian limited partnership and Foreign tax credits	The series of rulings considers the ability of a NZ partner of an Australian limited partnership to claim Foreign tax credits.	The series of rulings expires at the end of the 2021/22 income year.	Finalised. Issued as BR Pub 22/01 - BR Pub 22/05 April 2022.
PUB00422	GST - Section 8(4) - Non-residents registering under s 51	This item will address the use of agreements under s 8(4) by non-resident suppliers.	Submissions on IS 21/03 <i>GST - Registration of non-residents under s 54B</i> , and PUB00390 <i>GST definition of a resident</i> indicated that the use of these agreements is not well understood.	Considering issues.
PUB00423	GST – Court awards and out of court settlements – Update of IS3387	This is an update of IS3387 - <i>GST treatment of court awards and out of court settlements</i> published in TIB Vol 14, No 10 (October 2002).	It is nearly 20 years since this item was published. It is timely to review and update the item.	Scoping.
PUB00424	GST – Directors, board members and trustees – Taxable activity	This item will address whether directors, board members and trustees who accept roles are carrying on a taxable activity for the purposes of the exclusion in s 6(3).	Further guidance is needed in this area. It will complement BR Pub 15/10 <i>Goods and services tax - directors' fees</i> .	Considering issues. Anticipate consulting July 2022.
PUB00425	GST – Grants and subsidies	Guidance on the GST treatment of grants and subsidies, including government grants.	Further clarity is needed as varying practice has been observed. The item will complement PUB00394 which addresses the income tax treatment of government grants.	Scoped. Not currently allocated.
PUB00426	GST – Specified agents – Update of item in TIB Vol 7, No 6 (December 1995)	This is a refresh of an item in TIB Vol 7, No. 6 (December 1995) on the application of s 58 of the GST Act for specified agents who carry on taxable activities.	Further clarity is needed on this issue, especially with regard to the Official Assignee and voluntary receivers.	Considering issues.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00427	GST – Taxable activity – Subdivisions and small-scale property development – Update of item in TIB Vol 7, No.2 (August 1995)	This is a review of an item in TIB Vol 7, No 2 (August 1995) concerning GST and subdivisions.	We have been asked to clarify the 1995 TIB item and provide clearer guidance for one-off or smaller scale property developments and subdivisions on when there is taxable activity.	Not currently allocated.
PUB00428	GST – Transitional housing	This item will address GST issues affecting providers of transitional housing.	With an increase in organisations providing transitional, social and emergency housing clearer guidance is needed on GST compliance.	Considering issues.
PUB00429	Income Tax – Land – Main home exclusion and secondees	This item will consider how the main-home exclusion for the bright-line test applies if someone leaves their home vacant or occupied by other family members when on secondment to another city or country.	We have been asked to provide guidance on the operation of the main home exclusion for people on secondment or who leave their house vacant for other reasons.	Considering issues.
PUB00430	Income tax – Livestock valuation – Election of method – Update of item in TIB Vol 16, No. 5 (June 2004)	This is a refresh of an item published in TIB Vol 16, No. 5 (June 2004) on electing different valuation methods for classes of livestock.	Given the importance of this issue to rural businesses it is appropriate for the 2004 item to be updated for legislative changes.	Not currently allocated.
PUB00431	Income tax – Scheduling payment rules – Labour-hire firms	This item will address the application of the scheduling payment rules to labour-hire firms, including in the sharing and gig economies.	Labour-hire firms were added to the scheduling payment rules in 2017. Further guidance is now needed in this area.	On hold pending Policy considerations.
PUB00432	Income tax - Deductibility of "abnormal" costs incurred because of the COVID-19	This item will address whether "abnormal" costs incurred because of the COVID-19 pandemic and not as a normal cost of business are deductible.	Guidance on the deductibility of abnormal costs – for example, costs associated with terminated contracts, quarantining costs, costs to hibernate assets, costs of retaining and protecting staff.	Finalised. Issued as IS 22/01 April 2022.
PUB00433	Income tax – Income – Donations	This item will address whether donations are income for tax purposes.	Guidance is needed for those not-for-profit bodies and other taxpayers who are not exempt from income tax as to whether donations they receive are income for tax purposes.	Considering issues.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00434	Income tax – Land – Forfeited deposits	This item will address whether forfeited deposits from land transactions are income.	We have been asked to provide clarity on the treatment of forfeited deposits, eg when a vendor is in the business of dealing in land. This will complement an item published in TIB Vol 17, No 4 (May 2005) regarding GST and cancelled contracts.	Scoped.
PUB00435	Income tax – Tax credits – Research and Development loss tax credit applications	This item will address some common issues that arise in relation to applications for the R&D loss tax credit.	There is a need for improved guidance to better support applicants. This relates to the loss tax credit rules compared with the new R&D tax incentive rules.	Considering issues.
PUB00436	GST – Disposal of an interest in a joint venture involving land	This item will address the GST treatment of the disposal of an interest in a land-owning joint venture, and whether it is a disposal of an interest in land for GST purposes.	Clarification is needed on the application of the GST rules to such disposals.	Scoped.
PUB00437	Income tax, GST and FBT – Clean Car Discount – tax consequences	Provide guidance on the income tax, GST and FBT implications of the recently announced Clean Car Discount scheme.	The Clean Car Discount scheme required some legislative amendments to ensure that the desired tax outcomes were achieved, and also gave rise to a number of queries from taxpayers as to the tax implications of the scheme.	Guidance has been published on the main Inland Revenue website here The Clean Car Discount scheme (ird.govt.nz)
PUB00438	GST – Importers and GST input tax deductions	This item will update and replace BR Pub 06/03 to refer to the updated Customs legislation and practices.	The Customs processes are electronic rather than paper-based and the ruling commentary needs to be updated accordingly.	Finalised. Issued as BR Pub 22/07 June 2022.
PUB00439	GST – Customs Brokers and GST levied by Customs	This item will clarify the correct procedure for Customs brokers accounting for GST for GST paid on behalf of importers.	There are differing practices among Customs brokers and some of the documents issued to importers do not accord with GST charged under the Act.	Finalised. Issued as QB 22/03 June 2022.
PUB00440	GST – Importers and recalculated GST	This item will explain how to deal with overpayments of GST to NZ Customs for registered persons importing goods for use in their taxable activity.	There is some uncertainty as to whether the importer should be dealing with New Zealand Customs or the Commissioner in resolving this issue.	Finalised. Issued as QB 22/04 June 2022.

Project no.	Title	Topic	Reason for public item	Status & next steps
PUB00441	Income tax – How the interest limitation rules apply to short-stay accommodation properties	This item will explain how the interest limitation rules apply to property that is rented out to guests as short-stay accommodation.	We have been asked to provide guidance on the interaction between the interest limitation rules and the mixed-use asset rules (which apply to many holiday home rentals), and also to clarify what the interest limitation rules mean for taxpayers renting out a room in their home for short-stay accommodation.	Considering issues.
PUB00443	Income tax – FIF default calculation method	This item will explain the calculation method a person must use to calculate FIF income if they omit the income from their tax return and later file a voluntary disclosure or amended tax return.	There is some uncertainty as to the methods available for a person to determine their FIF income in situations where they have failed to correctly return it and seek to correct their tax position.	Considering issues.