

15 September 2009

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National Office  
PO Box 2198  
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Dear Patrick

**Disputes Resolution and Challenge Procedures  
National Tax Disputes Process Subcommittee Report – NZLS and NZICA Response**

1. Thank you for circulating the report from the National Tax Disputes Process Subcommittee (the Subcommittee) dated 6 August 2009 (the report) on 13 August 2009. This letter is a response to that report on behalf of the New Zealand Law Society's Taxation Committee and the National Tax Committee of the New Zealand Institute of Chartered Accountants (the Societies). We will provide a summary of the points made in this letter in table form to accompany the report when it goes to the Minister of Revenue.
2. As an initial comment the Societies record that they are appreciative of the opportunity to consult with the Subcommittee and the constructive manner in which the issues raised in the Societies' Joint Submission were discussed. In terms of implementation, the Societies are keen on changes being implemented as soon as possible, but understand the need for Inland Revenue to update standard practice statements and conference guidelines and similar items. There will also be a need to advise tax practitioners on the changes. A firm start date of 1 April 2010 is preferred.
3. We are also happy to continue to consult with you, as is suggested at paragraph 155 of the report. The Societies suggest that the Subcommittee and the Societies meet again 6 months after implementation to ensure implementation of the changes has reached taxpayers, and to discuss any post-implementation date issues that have arisen.
4. The Societies note that the report suggests that there has been agreement to reach administrative solutions to the issues that the Societies identified in their Joint Submission, where the Societies proposed legislative change. The Societies want to be clear about this point. Where administrative solutions can be reached to those matters, the Societies are happy to work to reach those administrative solutions, but only as an interim step pending legislative change and is due to the timing of legislative change. The Societies do not support administrative options as a long term solution to the issues we have identified. After over a decade of working with the disputes resolution and challenge procedures, the Societies are focused on legislative change to provide long term solutions to the concerns raised in the Joint Submission. The Societies also note that in their experience, Inland Revenue staff do not feel bound by administrative rules.

## Areas of general agreement

5. The report canvasses fourteen issues. There are three issues in the report where the Societies substantially disagree with the position reached. These are noted in paragraph 6 below. While there are aspects with which the Societies disagree (which are noted below), the Societies are in general agreement with the following recommendations in the report:
- 5.1 ***Issue 1: Content and independent review of Notices of Proposed Adjustment and Notices of Response issued by Inland Revenue:*** The proposals made in the report are consistent with the Joint Submission from the Societies and we agree with those proposals. We made additional suggestions about the adoption of a due process/checklist as part of the Core Task Assurance process, and we are pleased to see those suggestions have been adopted in the report.
- 5.2 ***Issue 2: Conference phase:*** In the Joint Submission, the Societies submitted that the conference phase should be legislated. In our view this would both encourage resolution and place resolution as the central focus of the procedures. The Joint Submission also sought a statutory ability for taxpayers to elect whether to proceed through the disputes procedures or go to Court (opt out) following the conference. The Societies agreed during discussions with the Subcommittee that the conference phase could be managed administratively through a Standard Practice Statement issued to both officials and taxpayers, but the Societies' agreement was premised on the basis that an opt out would be a statutory feature of the disputes rules and could occur only if a conference was held first.
- 5.3 The report does not propose a statutory opt out, nor does it propose a statutory conference. The Societies believe the report's proposals make no change to the current position, and disagree with the proposals in the report for that reason. If the opt out is not statutory, the Societies are of the view that the place of the conference needs to be more firmly anchored in the legislation. That will place the conference at the core of the procedures, as was intended by the Richardson Committee.
- 5.4 In terms of the other comments in the report:
- (a) A legislated conference could state when at least one conference meeting must take place (i.e. within a prescribed time period after a Notice of Response). Details providing for how meetings occur could be outlined in a Standard Practice Statement. The statute would not have to specify the matters suggested by the report.
  - (b) Outlining a conference in legislation gives no greater risk of taxpayers "going through the motions", than would occur under administrative guidelines, or any legislative provisions at present.
  - (c) Taxpayers will not feel "burnt off" by entering a conference if they are aware that the Commissioner will approach the conference as a forum for resolution or narrowing facts and issues and this would incentivise taxpayers' participation.
  - (d) Conferences could be held by telephone or in person or otherwise, and should involve resolution, or narrowing facts and matters at issue. The Societies also

agree that a conference should be held within 2 months of a Notice of Response being issued.

- (e) The Societies agree with the idea of facilitators being used for conferences, and that guidelines on that role should be issued. However, we consider that the facilitator, or someone attending each conference, should have the power to authorise a settlement or require attendance of an authorised person. Otherwise the facilitator may become a meeting organiser with no substantive role.
- (f) The Societies have previously expressed concern at the idea that the facilitator determines when a conference has ended and that the facilitator determines whether a “proper conference has been undertaken”. This idea turns this into yet another matter managed and controlled by the Commissioner in the disputes procedures and as a consequence there is a risk that taxpayers will not buy in to this process. The conference will end when one party gives the other party notice it has ended. At least one meeting must be held however.
- (g) In terms of information gathering by the Commissioner, if the Commissioner is concerned there is insufficient information, he should seek to use his information gathering powers, and should not divert the conference for this purpose. The Societies recognise that information may be provided at the conference, but we believe it should be made clear that the conference is not for this purpose. The Commissioner’s investigation phase should well behind him by the time the conference is held.
- (h) The suspension of use of money interest (UOMI) while the conference phase is continuing would be a good way to incentivise participation from taxpayers. The Societies agree this suggestion should be considered as part of Policy Advice Division’s review of UOMI. The Societies also suggest that in appropriate cases the Commissioner should consider using s6A of the Tax Administration Act 1994 (TAA) for this purpose.

5.5 **Issue 3: Settlements:** The Societies agree that the draft Interpretation Statement on Care and Management contains some useful commentary on settlements. However, it does not cover the settlement of UOMI or who to write to in order to seek settlement, nor does it consider settlement at the conference phase of the disputes procedures, which is something that should be concentrated on. In addition, the draft Interpretation Statement on Care and Management is more than 30 pages long, with the settlement discussion starting at paragraph 82. A shorter specific guideline is needed for non-specialist taxpayers that covers all of the aspects the Societies have identified.

5.6 The Societies understand that the draft Interpretation Statement is still in draft over a year after its issue. Given the length of time since its original issue and bearing in mind it has now been through two consultation rounds, it is unacceptable that there remains a lack of any clear guidance for taxpayers and Inland Revenue staff in this area. This needs to be urgently addressed.

5.7 **Issue 6: Evidence Exclusion Rule:** The Societies agree that the limitation of this rule to legal grounds should be the subject of a consultative document, as legislative change is needed.

- 5.8 **Issue 8: The Grounds of Assessment:** The Societies agree that when an assessment is issued, the Commissioner should specify his grounds of assessment in the notice of assessment, and be limited to those in subsequent litigation. The Societies have also suggested that where a Statement of Position is issued, then the parties should each be limited to their legal grounds in that document. In an opt out situation, in the absence of a Statement of Position, the taxpayer should be limited to its grounds in the Statement of Claim and the Commissioner to the grounds in the Notice of Assessment or, if they are not specified in the Notice of Assessment (which the Societies suggest should be issued by the investigative officer), to the grounds in the Commissioner's Notice of Proposed Adjustment or Notice of Response (whichever is applicable). The Societies remain of the view that a limitation of grounds provision is needed whether there is an opt out or otherwise.
- 5.9 **Issue 9: Processes in the Adjudication Unit:** The Societies agree with the suggested changes to processes in the Adjudication Unit. The Societies accept that the issue of publication of redacted Adjudication reports to taxpayers needs to be considered further by the Commissioner. However, if redacted reports are not published, Inland Revenue should not be in any better position than the taxpayer, and should be denied access to Adjudication reports. In terms of paragraph 117 of the report, we agree that the Adjudication Unit should not be issuing the assessment. The Societies believe that the investigating officer should issue the Notice of Assessment, which would also include the grounds of the assessment.
- 5.10 **Issue 10: The definition of exceptional circumstances:** The Societies agree that changes to this definition need to be dealt with by Policy Advice Division. The Societies also noted in its Joint Submission that there are three different definitions of "exceptional circumstances" and the reason for this is unclear. We have provided the Subcommittee with some proposed wording for a change to this definition and appreciate this will be further considered by Policy Advice Division.
- 5.11 **Issue 11: Test cases:** The Societies agree that the issues raised in relation to test cases should be considered by Policy Advice Division. In addition to the issues noted in the report, the Societies have suggested that in the case of the disputes resolution procedures, the suspension of the disputes procedures under s89O TAA for a test case should not be dependent upon formal test case designation of a case under s138Q TAA. The use of s89O TAA should be based upon substantial similarity with a case that is before the Courts. The test case issue is not simply about the challenge procedures - it can reduce costs for taxpayers and the Inland Revenue at the disputes procedure stages. It would, for example, be of benefit to the Commissioner to reduce costs when he has identified a number of taxpayers having taken similar tax positions in, say, a mass-marketed scheme.
- 5.12 The Societies disagree with the comments made at paragraph 133 of the report:
- (a) The test case designation should be removed from the Commissioner's sole discretion as that has not worked to date to efficiency savings, and has led to a negative attitude on the part of taxpayers. A test case panel need not be an expensive process as members do not need to be remunerated extensively, if at all, and Inland Revenue members would simply be performing this task as part of their other duties. The involvement of the private sector in a test case panel would promote more taxpayer confidence in this area.

- (b) In terms of Government funded test cases (which is a separate issue from the test case panel), the Australian experience has shown that is a relatively inexpensive process with unused funding often carried over and funding not being required annually. We provided detail of the Australian experience in the Joint Submission.
- (c) Another benefit of Government funded test cases, which was overlooked in the report, would be the added flexibility this would give the Commissioner to get cases to Court and have the law clarified. Occasionally when the Commissioner wins in a lower Court there are aspects that would have benefited from a higher Court decision. Consequently both taxpayers and Commissioner are left with uncertainties. A good example is the Taxation Review Authority decision in *Case W33* (2004) 21 NZTC 11,321. The issue was not clarified by that Taxation Review Authority decision, and the position five years later is still uncertain following the High Court decision in *C of IR v Penny; C of IR v Hooper* (2009) 24 NZTC 23,406, which has been appealed. Had this case been a Government funded test case, the law would have been clarified much earlier. In addition, the costs of a Government funded programme in New Zealand, it may be that a lesser amount of funding than is provided in Australia would be required. The Societies do not believe long term solutions should be dismissed because of short term funding concerns, particularly when the costs and benefits have not been thoroughly analysed.
- (d) Both of these aspects need to be separately reconsidered and should not be dismissed in the manner done so in the report.

- 5.13 **Issue 12: Use of Money Interest:** The Societies agree that it appropriate for UOMI to be considered by Policy Advice Division. However, the proposal to suspend UOMI if the Commissioner fails to meet timeframes in the disputes procedures is an issue relating to the disputes procedures. In the interim, the Commissioner should look to use s6A TAAA in appropriate cases. *Fairbrother v C of IR* (2000) 19 NZTC 15,548 provides support for the view that it is possible for the Commissioner to use s6A TAA in this manner.
- 5.14 **Issue 13: Model Litigant Procedures:** The Societies understand the need for Crown Law to be consulted about these procedures. However, as the Commerce Commission has already issued such guidelines, this is something that does not need to be adopted by the whole of the Crown, as is suggested in the report. In addition, given that these guidelines are completely uncontroversial (the Subcommittee was unable to raise a single concern about their content), we would encourage the Commissioner to adopt these guidelines publicly in the same way as the Commerce Commission has. An item in a Tax Information Bulletin outlining how the model litigant procedures will be applied by the Commissioner, and who within the Inland Revenue would be responsible for overseeing the correct application of the model litigant rules, would assist taxpayers.
- 5.15 There are aspects of the statements in paragraph 142(c) of the report that are of concern to the Societies. Much of the statutory tax law in New Zealand is the responsibility of Inland Revenue, right from the policy development through to legislation. Inland Revenue advises Ministers, consults with the public, drafts the legislation, advises Parliament and, when it is enacted, issues technical explanations. While Inland Revenue is entitled to interpret the legislation when the law is unclear, it is inappropriate for the Commissioner to take a view in litigation which is contrary to his advice to Ministers, Parliament and the public. There are occasions where this has occurred. A recent

example was in *C of IR v Albany Food Warehouse Ltd* (2009) 24 NZTC 23,532, where the arguments raised by the Commissioner were inconsistent with the scheme and purpose of the imputation regime. Approaches such as this in litigation cost taxpayers considerable time and money, are not in the spirit or intention of legislation and are not consistent with model litigant guidelines.

- 5.16 **Issue 14: The Commissioner's ability to issue a Binding Ruling:** The Societies agree that further discussion on the role of the Crown Law office is needed. This is an issue beyond binding rulings, and we are discussing this further with the Commissioner.

#### **Areas of substantial disagreement**

6. There is substantial disagreement between the Societies and the Subcommittee on three major issues: the opt out, small claims, and timeframes and sanctions on Inland Revenue. The Societies are disappointed that matters are in the final report that were first raised only in the interim report (and were not discussed with the Societies prior to the interim report), and that compromises we have discussed and which would lead to eventual legislative change (such as the guideline we discussed on s89N(1)(c)(viii) TAA), have not been reflected in the report. The Societies believe the position taken in the report on these issues needs to change and that legislative change is needed. We expand upon the reasons for that disagreement further below.
- 6.1 **Issue 4: Opt out of the Disputes Resolution procedures:** The Societies are fundamentally opposed to the report in this area. The Societies maintain that a legislative opt out should be available after the conference has been undertaken (subject to defined exceptions for mass-marketed schemes, or fraud). It is required for the following reasons:
- (a) Forcing the taxpayer to go through the remainder of the disputes process after a conference serves no purpose. In the case of a Commissioner-initiated dispute, by the time a conference has been completed, the Commissioner will have:
    - (i) undertaken sufficient factual investigation to feel comfortable in issuing a Notice of Proposed Adjustment;
    - (ii) prepared a Notice of Proposed Adjustment;
    - (iii) had a legal review of the Notice of Proposed Adjustment;
    - (iv) received, reviewed and rejected a Notice of Response;
    - (v) explored legal arguments and factual findings;
    - (vi) obtained further information during the conference phase or prior to that if necessary,
    - (vii) had a conference including involvement of a facilitator.

A high level of technical expertise will have been applied, and resolution been attempted at the conference. The purpose for which the disputes procedures were enacted will have been satisfied by these steps. Where resolution is not

possible, the Societies believe it should be up to the taxpayer to determine how to apply its resources in pursuing the dispute.

- (b) The only possible basis for forcing the pursuit of the disputes procedures is to allow the Commissioner the opportunity to either formulate his arguments in Adjudication, or change his mind in Adjudication. Neither of those bases is sufficient reason to subject the taxpayer to additional compliance costs of the disputes procedures for no purpose (and even with changes to the evidence exclusion rule there are additional costs). This approach will simply cement the current disengagement and disillusionment with the dispute procedures.
- (c) The right to opt out of the disputes procedure and challenge the matter in Court provides a check on Inland Revenue. This will mean that Inland Revenue will have to consider carefully its position outlined in its NOPA or NOR and the taxpayer's NOPA or NOR, and its stance in a conference, with the knowledge that a taxpayer could elect to opt out and take the matter to Court. This check would ensure that technical expertise is applied at an early stage by Inland Revenue and would be consistent with the intention of the Richardson Committee.
- (d) The Societies discussed with the Commissioner the ability to seek a declaration from the taxpayer that all relevant information has been provided, to use a final catch all section 17 TAA information request, and other mechanisms in the Court processes to ensure full information is provided to the Commissioner on an opt out. The Societies took into account what was needed for effective administration by the Commissioner. Unfortunately, the report has not taken into account effective management of the system from a taxpayer's perspective.
- (e) In terms of s89N(1)(c)(viii) TAA, the Societies have always viewed a guideline on that provision as an interim step to legislative change. We do not agree that a legislative change would be premature (as the report suggests) nor do we agree that the opt out should be mutually agreed. The disputes resolution procedures have been in place for over a decade, and taxpayers have to date been forced into a process that has led to substantial disillusionment with the tax system. The choice of how to proceed and apply resources should be the taxpayers', not controlled by the consent of the Commissioner, especially in the form of the guideline as described by the report.

6.2 In addition, the Societies disagree with the guideline proposed in relation to s89N(1)(c)(viii) TAA for the following reasons:

- (a) When an administrative guideline on s89N(1)(c)(viii) TAA was discussed with the Societies, it was on the basis that the guideline would specify that an opt out would be agreed to by the Commissioner subject to defined exceptions, such as fraud or mass marketed schemes. The report (and the interim report) does not reflect the discussion the Societies had with the Subcommittee. Instead the report suggests that an administrative guideline on s89N(1)(c)(viii) TAA will provide that the Commissioner will agree to an opt out only in narrow circumstances, rather than that the circumstances in which he will not agree being narrow.

- (b) The Societies have given feedback that is highly critical of the circumstances in which the report has now specified the Commissioner will agree to an opt out. That feedback is not reflected in the report. For example one circumstance is where a case turns only on disputed issues of fact. Determining whether a matter is a question of law or question of fact is notoriously difficult and will lead to more disputes on that aspect. Another circumstance described in the report is where the tax in dispute is \$75,000 or less including penalties, and the taxpayer chooses to go to the Taxation Review Authority. The inclusion of penalties in that figure will make that opt out provision of limited benefit as penalties can take a dispute over that figure. It is inappropriate for the Commissioner to dictate that the forum is the Taxation Review Authority. That is a matter for the taxpayer to decide.
- (c) In addition, by suggesting that the Commissioner's decision under s89N(1)(c)(viii) TAA is no longer to be a disputable decision, the report leaves judicial review as the only option for taxpayers. This adds an unnecessary layer of costs and complexity to the process. The Societies are focused on reducing problems, not adding to them.

6.3 The Societies also disagree with the view in the report that (paragraph 73) "Legislative amendment would be required to ensure that a taxpayer could only opt out of a taxpayer-initiated dispute with the agreement of the Commissioner". The Societies assume this is referring to s138B(3) TAA. We disagree with the proposal to amend the legislation for the following reasons:

- (a) Section 138B(3) TAA provides the ability for the taxpayer to file challenge proceedings in relation to a taxpayer initiated Notice of Proposed Adjustment within 2 months of the Commissioner's written disputable decision that he will not adjust the assessment, where the Commissioner does not subsequently issue an amended assessment. That written decision may be the Notice of Response but may be other advice. This deals with the situation where the Commissioner rejects the taxpayer's proposed adjustment and then does nothing at all, as he believes the original assessment is fine. Were the position otherwise, the taxpayer could do absolutely nothing, because there is no requirement for the Commissioner actually to issue an amended assessment or do anything further, so s138B(2) TAA would not be applicable.
- (b) Section 138B TAA has been in its current form since the enactment of the procedures (apart from the addition of paragraph (c) by way of the Taxation (Annual Rates, Venture Capital, and Miscellaneous Provisions) Act 2004). Section 138B TAA was redrafted following submissions on the original Taxpayer Compliance, Penalties and Disputes Resolution Bill. The Officials' Report noted that the initial version of s138B TAA needed to be redrafted to ensure that a taxpayer may commence a challenge the Commissioner had made a *final decision*. If in fact the Commissioner had not made a final decision and the taxpayer has filed proceedings under this provision, the Commissioner is entitled to seek a stay from the Court, or claim that the proceedings are an abuse of process as the Commissioner had not finally determined whether or not to issue an amended assessment. Section 138B(3) TAA is not as wide in scope as the report suggests, and is not intended to be.

- (c) Section 138B(3)(c) TAA provides that the written disputable decision of the Commissioner is not limited to the Commissioner's Notice of Response. In the Officials' Report to the Taxation (Annual Rates, Venture Capital, and Miscellaneous Provisions) Bill the Officials noted that the amendment to paragraph (c) was to "more clearly provide for the full disputes process to be undertaken". It is not the case that the Notice of Response necessarily provides the ability for the taxpayer to go to Court. It was clearly intended that it was only where there was a final decision made by the Commissioner to do nothing further that this would be the case. We would also accept that this should occur only after a conference has been held. We disagree with the view expressed in paragraph 73 of the report that "at the moment the taxpayer can elect to challenge as soon as the Commissioner's NOR is issued".
- (d) By suggesting the repeal of s138B(3) TAA (which is presumably the provision the report means) the report is condemning taxpayers to no rights at all. If the Commissioner does not believe that an amended assessment is needed and does not issue an amended assessment, the taxpayer would have no rights to continue the dispute and could do nothing at all. This is not an acceptable position and the Societies disagree with the report's conclusions on this provision. This provision should not be repealed; it is there for a purpose.
- 6.4 **Issue 5: Small Claims procedures:** The Societies are opposed to the report's conclusions in relation to small claims. The Societies remain of the view that changes in this area need to be canvassed by way of consultative document to ensure that an effective long-term solution is reached. The Societies have raised a number of different options on small claims, including reducing costs at the disputes procedures end, and considering a number of amendments at the Court procedures end to streamline those procedures with a view to reducing costs. The Societies note that the report adopts those suggestions at paragraph 150 of the report, and this is not mentioned in the context of small claims. The Societies also raised the option of streamlining procedures more generally without there being a distinct small claims jurisdiction, and we consulted with the Taxation Review Authority on that aspect. The report adopts this latter suggestion, and does not support the idea of a consultative document to canvas all suggestions. The Societies disagree with that.
- 6.5 The Societies also do not agree that a small sum dispute is "\$5,000" and note that this figure was never discussed with the Societies. The Societies do not necessarily agree that in every case an administrative opt out would always deal with the issues arising for small claims, and note that any such opt out as proposed in the report can only occur after Notice of Proposed Adjustment, Notice of Response and conference, so this does not reduce the costs of the disputes procedures for small claims.
- 6.6 The Societies note that paragraph 85 of the report seems to give this issue no priority at all in terms of legislative consideration. We believe that given the prevalence of small to medium businesses in New Zealand this is a priority issue, and should be considered by Policy Advice Division and widely consulted upon.
- 6.7 **Issue 7: Timeframes and sanctions on Inland Revenue:** The Societies are opposed to the approach in the report in respect of timeframes and sanctions. Administrative guidelines are not going to lead to any change to what is a very fundamental problem with the disputes procedures and the Societies have been highly critical in feedback of the report's "no change" stance:

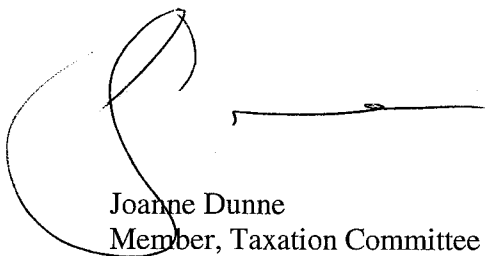
- (a) The report does not explain why Inland Revenue is not prepared to meet timeframes that are imposed upon taxpayers and be sanctioned for failing to do so. Inland Revenue has direct access to technical resources, and access to information using its powers. There is no reason that the Commissioner cannot be subject to similar stringent standards.
- (b) Contrary to paragraph 99(c) of the report, it is all disputes including low sum, low technical disputes that take time at the Commissioner's end. For example, one practitioner described waiting 18 months for a Disclosure Notice on a dispute relating to charitable status; not complex, not technically difficult, and less than \$30,000 of tax was in dispute. The report glosses over concerns such as these.
- (c) The taxpayer incurring the cost of an application to the Court under s 89M(11) TAA (which only applies to the timeframe for a taxpayer responding to a Statement of Position, and which has a timeframe inherent in it which the taxpayer must meet) is not a solution to this problem. This is not about taxpayer timeframes, but about Inland Revenue being subjected to timeframes in the same way as taxpayers.
- (d) The Societies note that while paragraph 104 of the report suggests that a timeframe for having at least one conference meeting is inappropriate, paragraph 48(b) of the report suggests it should be held within 2 months of a Notice of Response being issued. We agree with paragraph 48(b) of the report.

6.8 The Societies remain of the view that the system needs to be more balanced in terms of timeframes and consequences of not meeting those timeframes, rather than weighted in favour of the Inland Revenue, particularly in circumstances when UOMI is imposed while taxpayers are waiting for the Commissioner to act. The way to rebalance the system is to impose timeframes on the Inland Revenue, and the Societies' Joint Submission outlines the timeframes we believe should be applicable.

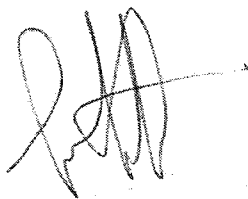
6.9 In terms of sanctions, the Societies believe that the sanction on the Commissioner for failing to meet those timeframes should be the same as that on the taxpayer – deemed acceptance of the other party's position. We have also suggested an alternative sanction; suspension of UOMI if the Inland Revenue fails to meet prescribed timeframes. While the Societies agree that UOMI should be dealt with by Policy Advice Division, the Societies believe that, using s6A TAA, the Commissioner could look into an administrative solution which would lead to this result. This is an issue that arises in the course of the disputes procedures and it should be considered as part of this review. We suggest that this aspect be reconsidered.

7 The Societies remain willing to discuss reform in this area and will seek an opportunity to consult further with the Minister of Revenue on these issues.

Yours sincerely

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Joanne Dunne  
Member, Taxation Committee  
**New Zealand Law Society**

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Geof Nightingale  
Chair, National Tax Committee  
**New Zealand Institute of Chartered Accountants**

Cc: Marie Pallot, Policy Advice Division, Inland Revenue