

# Public Guidance work programme 2023-24



As at 4 April 2024

This section of the work programme summarises all our Public Guidance projects based on their current progress status, with a hyperlink to further information on each item in the more detailed table that follows. Changes since the work programme was last updated are in bold. Items we have completed since 1 July 2023 are shaded in light blue and are listed at the end of the summary. You can find links to any published items in the more detailed table.

If you have any queries, suggestions or feedback about the Public Guidance Work Programme please email [public.consultation@ird.govt.nz](mailto:public.consultation@ird.govt.nz).

Project no.	Title	Focus of tax issue						Need for item		
		Company	Trust	Individual	Land	International	Charities	Technical uncertainty	Compliance / education	Refresh / update
<b>Items where public consultation has closed</b>										
<a href="#">PUB00356</a>	GST – Input tax – Registered members of unregistered unincorporated bodies	✓	✓					✓	✓	
<a href="#">PUB00428</a>	GST – Supplies of properties used for transitional housing	✓						✓	✓	
<a href="#">PUB00427</a>	GST – Taxable activity – Subdivisions and small-scale property development – Update of item in TIB Vol 7, No.2 (August 1995) (closes 18 December 2023)	✓	✓	✓	✓			✓	✓	✓
<a href="#">PUB00465</a>	Income tax – Charities – Apportioning business income under s CW 42 where purposes are not limited to New Zealand (closes 15 March 2024)		✓				✓	✓	✓	
<b>Items currently at public consultation</b>										
<a href="#">PUB00364</a>	Income tax – Employee share schemes (some specific interpretive issues) (closes 26 April 2024)	✓		✓				✓		
<a href="#">PUB00367</a>	Income tax – Partnerships (including limited partnerships) – General guidance			✓				✓	✓	
<b>Items we expect to send to public consultation next</b>										
<a href="#">PUB00455</a>	Income tax – Land – LTCs and disposal of land issues	✓		✓	✓			✓	✓	
<a href="#">PUB00453</a>	Income tax and FBT – Travel between home and work	✓		✓				✓	✓	✓
<b>Items currently in progress</b>										
<a href="#">PUB00468</a>	GST – Customs – Supplies to vessels temporarily in/visiting New Zealand	✓		✓				✓	✓	
<a href="#">PUB00474</a>	GST – CZR rules – Supplies of standing timber and other crops	✓	✓	✓				✓	✓	
<a href="#">PUB00485</a>	GST – Forfeited deposits from cancelled land sale agreements	✓	✓	✓	✓			✓		✓
<a href="#">PUB00412</a>	GST – Foster care payments			✓					✓	✓
<a href="#">PUB00475</a>	GST – Liquidations	✓						✓	✓	
<a href="#">PUB00486</a>	GST – Managed fund fees	✓						✓	✓	
<a href="#">PUB00413</a>	GST – Not-for-profit bodies – Supplies of donated goods and services (PIB)						✓	✓	✓	✓
<a href="#">PUB00473</a>	GST – Situations that are not bare trusts			✓	✓			✓	✓	
<a href="#">PUB00476</a>	GST – Taxable activity	✓	✓	✓					✓	✓

Project no.	Title	Focus of tax issue						Need for item		
		Company	Trust	Individual	Land	International	Charities	Technical uncertainty	Compliance / education	Refresh / update
<a href="#">PUB00452</a>	GST and Income tax – Emissions Trading Scheme tax issues	✓	✓	✓				✓	✓	
<a href="#">PUB00457</a>	Income tax – Company amalgamation rules	✓							✓	✓
<a href="#">PUB00274</a>	Income tax – Depreciation – Identifying items of depreciable property	✓						✓		
<a href="#">PUB00458</a>	Income tax – FIF rules – Applying the cost method	✓	✓	✓		✓			✓	
<a href="#">PUB00467</a>	Income tax – Flood damage repairs	✓	✓	✓	✓			✓	✓	
<a href="#">PUB00480</a>	Income tax – Interest paid on overdrawn current accounts	✓		✓					✓	
<a href="#">PUB00416</a>	Income tax – Investing in Australian unit trusts	✓	✓	✓		✓		✓	✓	
<a href="#">PUB00454</a>	Income tax – Investing in shares through an online trading platform			✓		✓				
<a href="#">PUB00449</a>	Income tax – Land – Bright-line and certain family and close relationship transactions - s CB 6A			✓	✓			✓	✓	
<a href="#">PUB00429</a>	Income tax – Land – Main home exclusion and secondees			✓	✓			✓	✓	
<a href="#">PUB00482</a>	Income tax – Land – Moving between the different land regimes	✓	✓	✓	✓			✓	✓	
<a href="#">PUB00460</a>	Income tax – Land – Updating existing public items for new land rules (brightline and interest limitation)	✓	✓	✓	✓			✓	✓	✓
<a href="#">PUB00461</a>	Income tax – Loss carry-forward – Business continuity test avoidance arrangements	✓						✓	✓	
<a href="#">PUB00470</a>	Income tax – Payments by an employer on death of an employee	✓		✓				✓	✓	
<a href="#">PUB00451</a>	Income tax – Residency – Impact of an individual being a dual resident			✓		✓		✓	✓	
<a href="#">PUB00469</a>	Income tax – Returns of capital and dividends in lieu - Refresh of IS2966	✓						✓		✓
<a href="#">PUB00400</a>	Income tax – Short-stay accommodation where property owned by a company	✓			✓			✓	✓	
<a href="#">PUB00483</a>	Income tax – Tax residence – Refresh of IS 16/03	✓	✓	✓		✓				✓
<a href="#">PUB00462</a>	Income tax – Trade rebates and promotions	✓		✓				✓	✓	
<a href="#">PUB00484</a>	Tax administration – Care and management duty – Review of IS 10/07							✓		✓
<b>Items not currently being worked on</b>										
<a href="#">PUB00477</a>	GST – Updating public items for changes to GST apportionment and adjustment rules	✓	✓	✓	✓					✓
<a href="#">PUB00478</a>	Income tax – Business activity	✓	✓	✓			✓			✓
<a href="#">PUB00481</a>	Income tax – Land – Foreign tax credit for Australian CGT where property also taxable under bright-line test			✓	✓			✓		
<b>Items on hold</b>										
<a href="#">PUB00463</a>	GST – Brokering and promoting of financial products by intermediaries	✓						✓	✓	✓
<a href="#">PUB00436</a>	GST – Disposal of an interest in a joint venture involving land				✓			✓	✓	
<a href="#">PUB00459</a>	Income tax – Land – Deductibility of initial repairs	✓	✓	✓	✓				✓	
<a href="#">PUB00472</a>	Income tax – Partnerships – Withholding tax obligations for payments made to a partnership							✓	✓	

Project no.	Title	Focus of tax issue					Need for item			
		Company	Trust	Individual	Land	International	Charities	Technical uncertainty	Compliance / education	Refresh / update
<a href="#">PUB00266</a>	Income tax – Payments derived from New Zealand by non-resident software suppliers	✓	✓	✓		✓		✓		
<a href="#">PUB00450</a>	Income tax – Permanent establishments – Working remotely in New Zealand			✓		✓		✓		
<a href="#">PUB00466</a>	Income tax – Software development costs	✓						✓	✓	✓
<a href="#">PUB00407</a>	Income tax – Trusts – New Zealand – Australia DTA		✓			✓		✓		
<b>Items published or closed since 1 July 2023</b>										
<a href="#">PUB00423</a>	GST – Court awards and out of court settlements – Update of IS3387	✓	✓	✓					✓	✓
<a href="#">PUB00424</a>	GST - Directors and board members providing their services through a personal services company	✓	✓	✓				✓	✓	
<a href="#">PUB00425</a>	GST – Grants and subsidies		✓	✓			✓		✓	
<a href="#">PUB00355</a>	GST – Grouping – How the grouping rules operate	✓						✓		
<a href="#">PUB00322</a>	GST – Grouping – Which entities can form a group	✓	✓	✓				✓		
<a href="#">PUB00389</a>	GST – Unit title bodies corporate – Transactions between a body corporate and its members	✓		✓				✓	✓	
<a href="#">PUB00464</a>	Income tax – Deductibility of SaaS customisation and configuration costs	✓	✓	✓				✓	✓	
<a href="#">PUB00479</a>	Income tax – Deductibility of UTBC levies	✓	✓	✓	✓			✓		
<a href="#">PUB00443</a>	Income tax – FIF default calculation method			✓		✓			✓	
<a href="#">PUB00444</a>	Income tax – Government payments to businesses (grants and subsidies)	✓					✓	✓	✓	✓
<a href="#">PUB00433</a>	Income tax – Income – Donations		✓				✓	✓	✓	
<a href="#">PUB00417</a>	Income tax – Land – Deductibility of holding costs of land	✓	✓	✓	✓			✓	✓	
<a href="#">PUB00434</a>	Income tax – Land – Forfeited deposits	✓	✓	✓	✓			✓	✓	
<a href="#">PUB00397</a>	Income tax – Land – Income tax obligations of renting to flatmates			✓	✓			✓	✓	
<a href="#">PUB00456</a>	Income tax – Land – Main home exclusion and permanent caravans, tiny homes etc			✓	✓			✓		
<a href="#">PUB00435</a>	Income tax – Tax credits – Research and development loss tax credit applications	✓	✓	✓					✓	
<a href="#">PUB00375</a>	Income tax – Trusts – Trust remedial issues		✓					✓		
<a href="#">PUB00445</a>	Reissue of BR Pub 20/01-20/05 – Investing into a US Limited Liability Company – NZ tax consequences – series of 5 rulings	✓				✓		✓	✓	✓

## Detailed work programme

This table contains more information about each item on the work programme including a short explanation of what the item is about, the reason for the item and how the item is progressing. Completed items are shaded light blue. Items that are currently on hold and not being actively worked on are shaded grey and include a brief explanation of why progress has paused.

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
PUB00463	GST – Brokering and promoting of financial products by intermediaries	This item will provide guidance on the GST treatment where banks or other intermediaries broker or promote financial products offered by different parties to their customers.	With more regulation and evolving technologies, intermediaries are using different arrangements and providing varying levels of services when offering financial products to customers. Guidance and examples will be helpful when considering the GST treatment of these various brokering, promotional or partnering arrangements.	On hold pending further progress on <a href="#">PUB00486</a> GST – Managed fund fees.
PUB00423	GST – Court awards and out of court settlements – Update of IS3387	This is an update of <a href="#">IS3387</a> - GST treatment of court awards and out of court settlements 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.	Published in July 2023 as <a href="#">IS 23/07</a> .
PUB00468	GST – Customs – Supplies to vessels temporarily in/visiting New Zealand	This item will consider how the GST rules apply to supplies made to vessels temporarily in/visiting New Zealand.	This item will update earlier guidance and address some perennial issues for Temporary Import Entry vessels, vessels exempt from entry and berthage supplies made to vessels. It will support NZ Customs with the application of the GST rules.	Scoping.
PUB00474	GST – CZR rules - Supplies of standing timber and other crops	This project addresses whether the sale and purchase of standing timber or other crops is a supply of “land” for the purposes of the compulsory zero-rating of land rules (CZR rules) or a standard-rated supply of goods (being the underlying timber or crop).	This item arises from a question we were asked and will clarify the GST treatment of supplies of standing timber and other crops.	Considering issues.

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
PUB00424	GST - Directors and board members providing their services through a personal services company	Considers whether a director's personal services company can register for GST if the director provides their services through the company.	The issue arose as a consequence of the Commissioner publishing three public rulings relating to the GST treatment of directors' fees and board members' fees: <a href="#">BR Pub 23/01</a> , <a href="#">BR Pub 23/02</a> and <a href="#">BR Pub 23/03</a> .	Published in July 2023 as <a href="#">QB 23/07</a> .
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.	<b>On hold for Policy consideration of issues relating to <a href="#">PUB00356</a>.</b>
<b>PUB00485</b>	<b>GST – Forfeited deposits from cancelled land sale agreements</b>	<b>This item will refresh a QB published in May 2005 on the <a href="#">GST consequences of a cancelled contract</a>.</b>	<b>With the publication of <a href="#">QB 23/09</a> on the income tax treatment of forfeited deposits from cancelled land sale agreements, it is appropriate to update the 2005 public item QB to ensure consistency in the guidance.</b>	Considering issues.
PUB00412	GST – Foster care payments	This item will address the GST treatment of payments made by the government to foster carers in respect of the cost of fostering a child.	This item arises from the PIB review. (PIB 179-07 - GST on payments from the Department of Social Welfare to foster parents and organisations concerned with child welfare). Clarification continues to be needed.	Considering issues.
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 <a href="#">PUB00444</a> which is considering the income tax treatment of government grants.	Published in July 2023 as <a href="#">IS 23/05</a> .
PUB00355	GST – Grouping – How the grouping rules operate	This item is about how the GST 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?	This item follows on from the issues paper <a href="#">IRRUIP 13: Consequences of GST group registration</a> . It identified that there is significant uncertainty around how the GST grouping rules apply in practice.	<b>Published in March 2024 as <a href="#">IS 24/02</a>.</b>

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
PUB00322	GST – Grouping – Which entities can form a group	This item is about which entities can group with other entities to form a group for GST purposes.	This item follows on from the issues paper <a href="#">IRRUIP 13</a> : Consequences of GST group registration. It was identified as an issue that needs to be considered separately from the consequences of grouping.	<b>Published in March 2024 as <a href="#">IS 24/03</a>.</b>
PUB00356	GST – Input tax – Registered members of unregistered unincorporated bodies	This item will address whether GST-registered members of unincorporated bodies can claim their share of any GST input tax paid by the body when the body itself is not GST registered because it falls below the GST registration threshold.	We understand there is uncertainty of treatment for members of unincorporated bodies.	Public consultation closed on 18 April 2023. Considering submissions.
PUB00475	GST - Liquidations	This item will address common GST issues that arise on the liquidation of a company. In addition to issues identified by Inland Revenue we will be seeking suggestions from our external stakeholders on issues they would like to see addressed.	It has been identified that Inland Revenue and our customers would benefit from some general guidance on liquidations.	Scoping.
PUB00486	GST – Managed fund fees	This item addresses the GST treatment of various fees charged in relation to managed funds.	This project will clarify the extent to which the activities associated with a managed fund involve making exempt supplies of financial services.	Scoping.
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 position 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 continues to be needed.	Considering issues.
PUB00473	GST – Situations that are not bare trusts	This item will work through some common ownership scenarios and explain in which circumstances a bare trust relationship exists or doesn't exist.	This item is intended to supplement the analysis in <a href="#">QB 16/03</a> : GST treatment of bare trusts by helping customers determine when property is or is not held in a bare trust relationship.	<b>Considering issues.</b>

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
PUB00428	GST – Supplies of properties used for 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.	Public consultation closed on 31 January 2023. Preparing to publish.
PUB00476	GST – Taxable activity	Understanding whether a person is carrying on a taxable activity and when that activity begins is a fundamental GST issue. This project intends to provide general guidance and examples on the requirements for a taxable activity and how to identify when a taxable activity begins and ends.	While previously we have provided guidance on taxable activities for GST the guidance is piecemeal and the many ways of doing business is changing. The purpose of this item is to bring our existing analysis together in a refreshed, relevant and accessible item.	Scoping.
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.	Public consultation closed 18 December 2023. Considering submissions.
PUB00389	GST – Unit title bodies corporate – Transactions between a body corporate and its members	This item is about various GST issues affecting unit title bodies corporate in their transactions with their members.	Legislation was changed in 2016. We understand there are areas of uncertainty with this legislation that affect a number of unit title body corporates.	Published on 24 October 2023 as <a href="#">IS 23/08</a> .
PUB00477	GST – Updating public items for changes to GST apportionment and adjustment rules	This project will look at well-used public guidance items like <a href="#">IS 20/05</a> : GST - Supplies of residences and other real property and <a href="#">IS 20/04</a> : GST treatment of short-stay accommodation to identify what updating is required following the 2023 changes to the GST apportionment and adjustment rules.	This project is needed to ensure existing public guidance is accurate given the changes to the GST apportionment and adjustment rules in the Taxation (Annual Rates for 2022–23, Platform Economy, and Remedial Matters) Act 2023.	<b>Scoped. Unallocated.</b>
PUB00452	GST and Income tax – Emissions Trading Scheme tax issues	This item will provide general guidance on the income tax and GST consequences of the emissions trading scheme. It will address the tax treatment of different types of ETS units (some are held on capital account, others on revenue account). It will	There is no general guidance on the tax treatment of the emissions trading scheme.	Considering issues.

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
		explain how to account for units that are issued to or surrendered by a person to offset carbon emissions, as well as those bought and sold whether for trading or hedging purposes. It will also address the relevant GST treatment.		
PUB00478	Income tax – Business activity	Understanding when a person is carrying on a business is fundamental to income tax. While the case law is settled the context in which we carry on business continues to change. This project intends to provide general guidance and examples on the requirements for a business and how to identify when a business begins and ends.	It is some time since we have provided guidance on the business test for income tax purposes. Our existing guidance is piecemeal and our ways of doing business are evolving. The purpose of this item is to bring our existing analysis together in a refreshed, relevant and accessible item.	Scoped. Unallocated.
PUB00465	Income tax – Charities – Apportioning business income under s CW 42 where purposes are not limited to New Zealand	This item considers s CW 42 including how a charity should allocate its business income between NZ and overseas purposes, where its purposes are not limited to New Zealand.	This project will take account of the submissions received on issues paper <a href="#">IRRUIP17: Charities – business income exemption</a> .	<b>Public consultation closed 15 March 2024. Considering submissions.</b>
PUB00457	Income tax – Company amalgamation rules	This item will provide general guidance on the application of the company amalgamation rules.	Customers sometimes find the amalgamation rules difficult to follow, so guidance would be helpful.	Considering issues.
PUB00464	Income tax - Deductibility of SaaS customisation and configuration costs	This item will provide the Commissioner’s approach when considering the deductibility of SaaS configuration and customisation costs.	Following a change in the IFRS accounting treatment of these types of costs, external submitters have suggested that guidance on the Commissioner’s approach to the income tax treatment of these costs would be helpful.	Published in September 2023 as <a href="#">IG 23/01</a> .
PUB00479	Income tax – Deductibility of UTBC levies	This item will consider in what circumstances and to what extent landlords and business owners can claim deductions for unit title body corporate levies.	This item will complement <a href="#">IS 23/08</a> on the GST treatment of unit title body corporate levies.	Closed. The deductibility of unit title body corporate levies is addressed in <a href="#">IS 23/10</a> .
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.	There is a need for a general statement setting out the principles that apply when identifying an item of depreciable property.	Considering issues.



Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
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.	At public consultation until 26 April 2024.
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.	Published on 15 December 2023 as <a href="#">QB 23/10</a> .
PUB00458	Income tax – FIF rules – Applying the cost method	This item will look at when the FIF cost method should be used and how it should be applied. The focus will be on investments in foreign shares.	Customers find it difficult to calculate FIF income. More guidance is needed on how to apply the cost method when the fair dividend rate method is not practical.	Considering issues.
PUB00467	Income tax – Flood damage repairs	This item will address the tax treatment of repairs made by businesses to rectify flood damage to their land and other property.	In the wake of recent adverse weather events, urgent guidance is needed to assist flood affected businesses to understand the tax treatment of repairs.	Considering issues.
PUB00444	Income tax – Government payments to businesses (grants and subsidies)	This item considers when and how the government grant provisions in the Income Tax Act 2007 apply to grants and subsidies received by businesses from local or public authorities.	Issues paper <a href="#">IRRUIP16</a> identified issues arising from the wording of the government grant provisions.	Published in July 2023 as <a href="#">IS 23/06</a> .
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.	Published on 6 December 2023 as <a href="#">IS 23/11</a> .
PUB00480	Income tax – Interest paid on overdrawn current accounts	This item will provide general guidance on the tax treatments that apply when a shareholder pays interest to a company on an overdrawn current account.	Following <a href="#">QB 22/10</a> Can a close company deduct interest on a shareholder loan account where the amount is not known until after balance date?, we have been asked to provide guidance on the situation where the shareholder pays interest.	Considering issues.

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
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 similar to those for investments into Australian limited partnerships ( <a href="#">BR Pub 18/01</a> – <a href="#">BR Pub 18/05</a> ).	Considering issues.
PUB00454	Income tax – Investing in shares through an online trading platform	This item will address the income tax treatment of gains and losses arising from investing in shares through an online trading platform. It is important investors understand the correct tax treatment of those gains and losses, and when their activities will amount to trading in shares.	The popularity of investing in shares through an online trading platform means that many more customers are investing in shares and deriving gains and losses.	Considering issues.
PUB00449	Income tax – Land – Bright-line and certain family and close relationship transactions - s CB 6A	Considers certain interpretive issues that have arisen for the bright-line test in practice, in the context of s CB 6A.	This item is intended to resolve uncertainties relating to ownership for certain transactions under the revised bright-line test. This item deals with the 10 year bright-line period. It will complement <a href="#">IS 23/02</a> which addresses the 5 year bright-line period.	Considering new legislation.
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, and property insurance.	The item will complement the commentary to the new interest limitation rules for land.	Published on 3 November 2023 as <a href="#">IS 23/10</a> .
PUB00459	Income tax – Land – Deductibility of initial repairs	This item will explain the treatment of initial repairs made following the purchase of a dilapidated building.	There seems to be some confusion around the deductibility of dilapidation repairs. The matter is addressed in <a href="#">IS 12/03</a> : Deductibility of repairs and maintenance expenditure but it seems further education is needed.	On hold pending outcome of litigation.
PUB00481	Income tax – Land – Foreign tax credit for Australian CGT where property also taxable under bright-line test	This item will clarify whether New Zealand will give a foreign tax credit for Australian capital gains tax paid on the disposal of an overseas property owned by an individual where that same disposal is also taxable in New Zealand under the 5-year or 10-year bright-line test.	This item arises from a question we were asked. With the extended bright-line test more New Zealanders will find themselves subject to both Australian capital gains tax and New Zealand income tax when they dispose of property they own in Australia.	Unallocated.

Project no.	Title	What this item is about	Why are we doing this item	Current 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 <a href="#">item</a> published in TIB Vol 17, No 4 (May 2005) regarding GST and cancelled contracts.	Published on 13 December 2023 as <a href="#">QB 23/09</a> .
PUB00397	Income tax – Land – Income tax obligations of renting to flatmates	This item will explain how the interest limitation, bright-line, loss ringfencing and mixed-use asset rules apply in situations where the owner lives with flatmates. The item will focus on the main home exclusion and how expenses should be apportioned.	This topic has been raised by external submitters as an area needing clarification.	Published on 6 December 2023 as <a href="#">QB 23/08</a> .
PUB00455	Income tax – Land – LTCs and disposal of land issues	This item will address various issues arising for look-through companies in relation to the disposal of land and the brightline test, in particular issues arising on entry to and exit from the LTC rules and where there are changes in shareholding interests.	This item will help look through companies understand how the new land rules will interact with the LTC rules.	Considering issues.
PUB00456	Income tax – Land – Main home exclusion and caravans, tiny homes etc	This item will address the types of structures that qualify as a “dwelling” for the purposes of the main home exclusion from the brightline test.	With high property values and the increasing cost of living more people are living permanently in tiny homes and caravans etc. This item will explain whether the main home exclusion applies to disposal of the land they are sited on.	Closed. Existing public guidance is available on the scope of the main home exclusion and its application. Item no longer required due to proposed reduction of brightline period.
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/place 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 for other reasons.	Public consultation closed 30 May 2023. <b>Considering new legislation.</b>

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
PUB00482	Income tax - Land - Moving between the different land regimes	People's circumstances and how they use their property can change. This item will work through some scenarios to show how the loss ring fencing rules and the mixed-use asset rules interact when a person changes how they use their property.	We recognise it can be challenging applying the land rules, but this is especially so when a person changes how they use their property – as that change can affect which land rules apply to them.	<b>Considering issues.</b>
PUB00460	Income tax – Land – Updating public items for new land rules (brightline and interest limitation)	This project will look at existing public guidance items to identify those items which require updating because of the introduction of the new land rules.	This project is needed to ensure existing public guidance is accurate, and still fit for purpose given the wide impact of the land rules on taxpayers (who often may not have advisors).	<b>Considering new legislation.</b>
PUB00461	Income tax - Loss carry-forward – Business continuity test avoidance arrangements	This item will consider the application of the targeted anti-avoidance rules relating to the carrying forward of losses under the business continuity test.	<a href="#">IS 22/06</a> : Income tax – Loss carry-forward – continuity of business activities identified there is a need for guidance on the application of the anti-avoidance rules relating to the carrying forward of losses under the business continuity test. This item will complement IS 22/06.	Considering issues.
PUB00367	Income tax – Partnerships – General guidance	General guidance on partnerships. Including the extent of transparency, attribution, returns, changes in partners including the safe harbour rules, final dissolution, associated person rules, source rules, liability of partners as agents.	Some people have indicated that they want an item on partnerships in general.	<b>At public consultation until 24 April 2024.</b>
PUB00471	Income tax – Partnerships – Limited partnerships	Specific guidance on limited partnerships including the loss limitation rule and calculation of partner's basis	People have said that a targeted item for limited partnerships would be helpful and that there is a lack of understanding about limited partnerships.	<b>Combined with <a href="#">PUB00367</a>.</b>
PUB00472	Income tax – Partnerships – Withholding tax obligations for payments made to a partnership	Specific guidance for payers of passive income to partnerships. The item will address the issue of whether transparency applies for withholding tax purposes. It also considers RWT-exempt status and the obligation on agents to withhold.	This item is relevant for payers of passive income to partnerships, so a separate item is appropriate.	<b>On hold pending Policy consideration.</b>

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
PUB00470	Income tax – Payments by an employer on death of an employee	When an employee dies employers will often make a payment to assist the family of the deceased employee. Sometimes the payment might be made under the employment agreement to the deceased's estate and other times it may be a discretionary payment made by the employer to the family or a funeral home. This item will consider the tax treatment of such payments.	Periodically Inland Revenue is asked for advice on this issue and given that advice is usually sought at a difficult time for the employer and families, it seems appropriate to publish some public guidance on the tax treatment of such payments.	Considering issues.
PUB00266	Income tax – Payments derived from New Zealand by non-resident software suppliers	This item will 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"> <li>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</li> <li>the possible income tax treatment of each type of payment (including for NRWT).</li> </ul>	It has been suggested both internally and by external practitioners that <a href="#">IG0007</a> "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.	On hold awaiting US regulations.
PUB00450	Income tax – Permanent establishment – Working remotely in New Zealand	This item will consider the situation where an individual returns to New Zealand and continues working remotely for their overseas employer. It will consider whether their home office is a "permanent establishment" of the non-resident business that employs them.	This project will give non-resident employers and New Zealand-based employees some certainty on their tax position in New Zealand.	On hold pending OECD guidance.

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
PUB00451	Income tax – Residency – Impact of an individual being a dual resident	This item will consider the concept of an individual being a dual resident. It will cover the impact this has on their tax affairs in New Zealand and overseas, especially when they are considered a non-resident under a treaty and also when they derive income from a third country.	Individuals are not always clear as to the impact of being a dual resident and, in particular, what it means to be non-resident under a treaty but resident in NZ for other purposes	Considering issues.
PUB00469	Income tax - Returns of capital and dividends in lieu - Refresh of IS2966	This item will refresh <a href="#">IS2966</a> : Exclusion from the term "Dividends" - whether distribution made in lieu of dividends' payment which is about the factors to be taken into account in determining whether an acquisition, redemption, or cancellation of shares is made in lieu of the payment of dividends. The new item will include updated legislative references as well as more practical examples.	While IS2966 dates back to 1999 and still refers to the Income Tax Act 1994, its analysis remains useful and it continues to be referred to by customers. It will be helpful to update the item.	Scoping.
PUB00400	Income tax – Short-stay accommodation where property owned by a company	This item will explain the income tax consequences of making a property owned by a company available for short-stay accommodation.	The situation addressed in this item arose from the <a href="#">suite of items</a> previously issued on short-stay accommodation.	Considering issues.
PUB00466	Income tax – Software development costs	This interpretation statement will explain the income tax treatment of software development expenditure. It will update the 1993 policy statement on the income tax treatment of computer software in the <a href="#">appendix</a> to TIB Vol 4, No 10 (May 1993).	The need for this item was identified following submissions received on the 2016 issues paper <a href="#">IRRUIP10</a> : Income tax treatment of software development expenditure.	<b>On hold pending Policy consideration.</b>
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.	Published on 27 October 2023 as <a href="#">IS 23/09</a> .

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
PUB00483	Income tax – Tax residence - Refresh of IS 16/03	This item will refresh <a href="#">IS 16/03</a> : Tax residence which sets out the CIR's view on the tax residence rules for individuals, companies and trusts.	It is nearly 10 years since IS 16/03 was first published, and it is one of the most referred to Public Guidance items. There are various residency-related legislative amendments affecting companies and trusts it would be helpful to incorporate into the item, as well as other new developments relevant to residence.	Scoping.
PUB00462	Income tax – Trade rebates and promotions	This item will consider the income tax treatment of amounts received by trade customers from suppliers as rebates or as promotional items.	We understand there is a need for more clarity around the tax treatment of different rebate programmes.	Considering issues.
PUB00407	Income tax – Trusts – New Zealand-Australia DTA	This item will provide guidance for New Zealand trusts on the application of the New Zealand-Australia DTA and the resulting implications in terms of foreign tax credits, determination of residency, and permanent establishment issues.	The need for this item was identified following submissions received on the issues paper <a href="#">IRRUIP15</a> : Income tax – Trusts and the Australian–New Zealand Double Tax Agreement.	On hold pending Policy consideration.
PUB00375	Income tax – Trusts – Trust remedial issues	This project will consider the effect of a number of amendments to the Income Tax Act 2007 on the analysis in <a href="#">IS 18/01</a> - Taxation of trusts – income tax.	Since <a href="#">IS 18/01</a> was published, there have been various amendments to the tax laws that apply to trusts. As a result <a href="#">IS 18/01</a> needs to be updated.	Published on 1 February 2024 as <a href="#">IS 24/01</a> .
PUB00453	Income tax and FBT – Travel between home and work	This item will address the deductibility of the travel costs between home and work and explain when travel between home and work will be treated as work-related use of a motor vehicle (rather than private use or enjoyment) for FBT purposes.	With the increase in working from home arrangements as a result of Covid-19 it seems appropriate for IS3448 (issued in October 2004) to be reviewed and updated.	Considering issues.
PUB00445	Reissue of BR Pub 20/01-20/05 – Investing into a US Limited Liability Company – NZ tax consequences – series of 5 rulings	This series of 5 rulings set out the NZ tax consequences of investing into a US limited liability company.	<a href="#">BR Pub 20/01-20/05</a> expire on 26 June 2023, and so need to be reviewed and re-issued as appropriate.	Published on 24 July 2023 as <a href="#">BR Pub 23/09 - 23/13</a> .

Project no.	Title	What this item is about	Why are we doing this item	Current status & next steps
PUB00484	Tax administration – Care and management duty – Review of IS 10/07	This project will refresh <a href="#">IS 10/07</a> : Care and management of the taxes covered by the Inland Revenue Acts to improve its readability and will also consider whether any updating is required, particularly in light of experiences during the COVID-19 response.	IS 10/07 explains the Commissioner’s duty in the care and management of taxes. It is important to ensure it is reviewed from time to time, and especially to consider its effectiveness and relevance in the face of a major event like the COVID-19 pandemic.	Considering issues.