



- This form must be completed if you are required to disclose a description of tax contextual information from a tax advice document under the Tax Administration Act 1994.
- Part of this form must be completed by a tax advisor authorised to act on your behalf.
- Please read the notes on the back of this page for more information about completing this form.
- The claim for non-disclosure of tax advice documents will not be valid if this form is incomplete or not provided to Inland Revenue within the specified time period for making this disclosure.

Details of Inland Revenue person this disclosure is directed to (if known):

Name

Inland Revenue Office Segment

Taxpayer details

IRD number (8 digit numbers start in the second box. 1 2 3 4 5 6 7 8)

Full name

Address

Street address or PO Box number

Suburb, box lobby or RD Town or city Postcode

Contact details

Telephone Fax

Tax advisor details

Full name

Address

Street address or PO Box number

Suburb, box lobby or RD Town or city Postcode

Contact details

Telephone Fax

Contact person (if applicable)

Authorisation (to be completed by the tax advisor)

I confirm that I am a tax advisor authorised to act on behalf of the taxpayer named above for the purposes of the non-disclosure rules for tax advice documents contained in sections 20C to 20G of the *Tax Administration Act 1994*.

/ /

Signature Date Name of tax advisor

Statutory declaration (to be completed by the tax advisor authorised above)

I, of

Full name Place of abode and occupation

solemnly and sincerely declare that the information contained in this disclosure (including all attachments) is true and correct, and I make this solemn declaration conscientiously, believing the same to be true and by virtue of the *Oaths and Declarations Act 1957*.

Declared at this day of / /

before

Signature of tax advisor Signature Name

Name of tax advisor Designation (Justice of the Peace/barrister or solicitor of the High Court/ notary public/or other person authorised by law to take a statutory declaration, but not including officers of Inland Revenue)



Completing the *Tax contextual information disclosure (IR520) form*

The non-disclosure rules contained in sections 20B to 20G of the *Tax Administration Act 1994* provide a statutory right of non-disclosure for tax advice documents when those documents are required to be disclosed to Inland Revenue under its statutory powers to obtain information. For more information on the right to claim non-disclosure, please refer to the Operational Statement – *Non-disclosure right for tax advice documents*. This is available from Inland Revenue's website www.ird.govt.nz

A **tax advisor** is someone who is subject to the professional code of conduct and disciplinary process of an approved advisor group.

An **approved advisor group** is a professional body that has a significant function of giving advice on the operation and effect of New Zealand tax laws, and whose members are subject to a professional code of conduct and related disciplinary process when providing tax advice. An approved advisor group must also have been approved by the Commissioner of Inland Revenue. A list of approved advisor groups is available from Inland Revenue's website www.ird.govt.nz

Tax advice documents are documents subject to a claim for non-disclosure and are confidential documents created for the main purpose of either a taxpayer seeking tax advice from a tax advisor or a tax advisor providing tax advice to the taxpayer. The following can be tax advice documents:

- instructions from a taxpayer to a tax advisor for the main purpose of instructing the tax advisor to give tax advice to the taxpayer
- tax advice from tax advisors (including employees of a tax advisor's public firm) to taxpayers, in whatever form that advice is given (eg email, letter, file note)
- research, analysis and other file notes made by a tax advisor (or employee of a tax advisor's public firm) for the purpose of providing or recording tax advice given.

Tax advice documents do not include:

- documents that are not created for the main purpose of providing tax advice, for example: valuation reports, investment advice, financial advice, accounting interpretations, company law advice, employment law advice, other regulatory advice, legal agreements, financial statements and associated work papers, business and management records including ledgers, journals, trial balances, invoices, accounting system reports, etc.
- legal transaction documents, such as: contracts, heads of agreement, indemnity agreements, confidentiality agreements, lease agreements, licence agreements, royalty agreements, sale and purchase agreements, loan documentation, guarantees, deeds, title documents, etc
- diagrams showing steps in transactions
- transfer pricing reports
- databases and spreadsheets.
- any documents created, for a purpose of committing, or promoting or assisting the committing of, an illegal or wrongful act (eg tax evasion or fraud of any type)
- documents created by a person who was not a tax advisor when the document was created
- documents that exist independently of the tax advice, even if they are attached to a tax advice document (providing they are not tax advice documents in their own right).

Tax contextual information is defined in section 20F(3) of the *Tax Administration Act 1994* as:

- a fact or assumption relating to a transaction that has occurred or is postulated by the person creating the tax advice document
- a description of a step involved in the performance of a transaction that has occurred or is postulated by the person creating the tax advice document
- advice that does not concern the operation and effect on the person of tax laws, including a fact or assumption relating to the advice
- advice that concerns the operation and effect on the person of tax laws relating to the collection by the Commissioner of debts payable to the Commissioner, including a fact or assumption relating to the advice
- a fact or assumption from, or relating to the preparation of financial statements of the person, or a document containing information that the person is required to provide to the Commissioner under an Inland Revenue Act.

Completing this disclosure form and any attachments

Please provide a description of the tax contextual information (based on the definition above) for each document for which the tax contextual information is required to be disclosed.

Authorisation (tax advisor)

A tax advisor must sign and date the authorisation on the front page of this disclosure form, to confirm that they are authorised to act on behalf of the taxpayer for the purposes of the non-disclosure rules for tax advice documents, contained in the *Tax Administration Act 1994*.

Statutory declaration (tax advisor)

The tax advisor is also required to sign and make the statutory declaration on the front page of this disclosure form after a description of the tax contextual information has been completed, before a person who is authorised to take such declarations (other than officers of Inland Revenue). The tax advisor must initial each completed page of this form including any additional photocopied pages.

Date your claim must be received by Inland Revenue

In terms of the *Tax Administration Act 1994*, this disclosure form must be completed and provided to Inland Revenue by the following dates:

Type of Inland Revenue information demand	Due date for disclosure of tax contextual information
Access to premises for information	▶ The date determined by the Commissioner
Power to remove and copy documents	▶ The date determined by the Commissioner
Information demand (section 17 notice)	▶ Within 28 days from the date of the notice, or later date as required by Inland Revenue
Court order for information	▶ The date the court requires the information
District Court Judge inquiry	▶ The date the court requires the information
Inquiry by Commissioner	▶ The date the Commissioner requires the information

Tax contextual information disclosure (please photocopy additional pages as necessary)

Use these pages to provide a description of the tax contextual information for each document for which this is required to be disclosed by Inland Revenue. If you have a number of documents to make disclosures on, please photocopy these pages and supply all the necessary information, then attach the extra pages to this form. If you need more space to disclose the information, please provide it on separate sheets of paper and attach them to this form.

Number of pages attached to this form

Document number or reference (optional)

Tax contextual information from the tax advice document

Tax contextual information includes a description of the facts or assumptions relating to transactions and steps in transactions (whether they have occurred or are proposed). Advice not related to taxation, advice on collection of tax debts, preparation of financial statements, and any documents that are not covered by the non-disclosure right must be disclosed to Inland Revenue.

For each document, please supply a description of the tax contextual information as required by Inland Revenue. Each completed page (including any additional photocopied pages) must be initialled by the tax advisor completing the statutory declaration.

Lined area for providing tax contextual information.

Initials of deponent



Document number or reference (optional)

Tax contextual information from the tax advice document

For each document, please supply a description of the tax contextual information as required by Inland Revenue. Each completed page (including any additional photocopied pages) must be initialled by the tax advisor completing the statutory declaration.

Lined area for providing tax contextual information.

Initials of deponent