

International Tax Law Series - “Developments in GAAR – India, New Zealand and Singapore”



Centre for Law & Business
Faculty of Law

IFA Singapore Branch and Tax Academy of Singapore are pleased to jointly present an International Tax Law Series featuring a number of distinct seminars from October 2013 to October 2014.

Series Objectives

Topics covered in the series will include developments in tax law avoidance, tax jurisprudence, tax litigation, debt-equity distinction and beneficial ownership. Each seminar will be led by a leading international tax expert.

Seminar 4 - “Developments in GAAR – India, New Zealand and Singapore” 9 June 2014

The fourth seminar in this series, “Developments in GAAR – India, New Zealand and Singapore”, will feature Dr Partho Shome (Ministry of Finance India), Professor John Prebble, (Victoria University of Wellington), Associate Professor Stephen Phua (National University of Singapore), and Professor Rebecca Williams (Pembroke College).

Please refer to overleaf for seminar and registration details. Closing Date for registration: 2 June 2014.

About IFA Singapore

Formed in 1938, International Fiscal Association (IFA) is a leading non-governmental and non-sectoral international organization dealing with fiscal matters. With its headquarters in the Netherlands, the main objectives of IFA are the study and advancement of international and comparative fiscal law, as well as the financial and economic aspects of taxation.

Currently, IFA has more than 12,000 members in 106 countries and IFA branches have been established in more than 60 countries IFA Singapore Branch was established in 1982. Membership of IFA Singapore entitles members to attend the prestigious IFA World Congress held each year.

With the increasing internationalisation of the world's economies, IFA Singapore holds regular seminars and seeks to provide a unique platform for discussion on international tax matters.

About Tax Academy of Singapore

A not-for-profit institution, the Tax Academy is set up by the Inland Revenue Authority of Singapore in collaboration with the international accounting firms – Deloitte & Touche, Ernst & Young, KPMG and PricewaterhouseCoopers, the Institute of Singapore Chartered Accountants and the Law Society of Singapore.

It is a premier tax education centre offering a suite of structured tax training programmes, and seminars on regional tax issues and global tax developments. Through the wide offering of quality programs, the Tax Academy strives to build Singapore into a regional tax knowledge hub where tax professionals and tax officials from the region congregate for quality training and knowledge exchange.



Public CPD Points: 3
Practice Area: Tax
Training Level: Intermediate

Seminar 4:
Developments in GAAR – India, New Zealand and Singapore
9 June 2014 | Singapore

The seminar will highlight jurisdictional approaches to the taxation of complex international transactions. It will examine, in particular the use and interpretation of the General Anti-Avoidance Rule (GAAR) to address tax avoidance arrangements that have been created to erode tax base or abuse statutory reliefs. The discussion topics are :

- Emerging Issues in International Taxation with Particular Reference to GAAR
- Drafting and Applying GAARs: Detail or Generality? The Contrasting Policy and Experience of Australia and New Zealand
- Comptroller of Income Tax v AQQ (2014): Is there a winner?
- Unjust enrichment and overpaid taxes : a hybrid public and private approach

The speakers will offer critical assessments of statutory and judicial developments in India, New Zealand and Singapore. The rationale behind GAAR as an instrument—apart from Specific Anti-Avoidance Rules (SAAR)—will be explained, while its misuse, or overuse as a revenue generator, will be cautioned against. In 2012, India introduced GAAR in its Finance Act but did not pass it; instead, it appointed a Committee to review it. In 2014, the Singapore GAAR received its first judicial exposition in 25 years. When policy-makers draft general anti-avoidance rules they veer between detail and generality. The New Zealand rule is short, inclusive, and open ended. In contrast, despite sharing the same objectives, the Australian GAAR is lengthy, detailed, and prescriptive. What are the respective merits and demerits of the two approaches?

Date: 9 June 2014

Time: 9.00am to 12.15pm

Seminar Venue :

Auditorium@Level 5, Revenue House, 55

Newton Road Singapore 307987

Fee (inclusive of 7% GST):

IFA member – S\$74.90

Non-member - S\$107

For enquiries please contact :

Jocelyn Chong

Senior Programme Executive

Tax Academy of Singapore

Tel: (65) 6 351 3040

Email: jocelyn@taxacademy.sg

This seminar qualifies for 3 CPE/CPD hours
(for non-SILE)

Please refer to the Registration form for registration details.

You may fax/email the registration form to (65)6253 1214/seminars@taxacademy.sg to reserve a place and request for invoicing.

About the Speakers

Parthasarathi Shome, Adviser (Minister of State) to the Indian Finance Minister (2013-14), is the Chairman for Tax Administration Reforms Commission (TARC)(August 2013), and Expert Committee on General Anti-Avoidance Rules (GAAR)(July-October 2012). He was Chief Economist, HMRC, United Kingdom (2008-11), Adviser (Secretary) to the Indian Finance Minister (2004-08). Dr Shome received highest civilian honour of Brazilian Government, Commander of the Order of the Southern Cross, 2000, for contributions to Brazilian tax reform. He served at IMF (1983-2004) as Chief of Tax Policy (1992-95), Director, IMF Singapore Institute (2001-03). He provided technical assistance to countries in Africa, Asia, Europe and Latin America. He taught at the American University, Washington D.C. from 1975-1983, rising to the rank of Professor. He obtained his Ph.D from Southern Methodist University, Dallas in 1975, Masters degrees from University of Rochester in 1973 and Delhi School of Economics in 1972.

John Prebble BA, LLB (Hons) (Auckland); BCL (Oxon); JSD (Cornell); Inner Temple (London), LEANZF, is a professor and former dean of law at Victoria University, Wellington, Gastprofessor at the Institut für Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien. Prof Prebble was Adjunct Senior Research Fellow, Monash University, Melbourne, a trustee of the International Bureau of Fiscal Documentation, Amsterdam, and a member of the editorial boards of several scholarly journals. He has published over 200 scholarly papers and books on taxation law and policy, specialising in analysing concepts of tax law from perspectives of jurisprudence.

Stephen Phua, LLB (NUS), LLM (Tax) (Lond), is an associate professor who teaches Income Tax, GST and International Tax in the Faculty of Law, NUS where he is the Director (Tax), Centre for Law and Business and the Director, LLM (International Business Law) program. He is also an Eastern Scholar, Shanghai, PRC (since 2011) and the International Director, Centre for International Tax Law, Shanghai. He was a tax consultant with IRAS and a leading law firm in Singapore. He served as a member for more than a decade on each one of the three tax courts in Singapore. He was a visiting scholar/professor at several leading universities in Australia, Canada, China, Japan and the USA. He has delivered papers in many international conferences and published articles in refereed journals and chapters in books.

Rebecca Williams, Director of Undergraduate Studies, holds an Associate Professorship in Law, in association with Pembroke College. Rebecca was previously a fellow of Robinson College, Cambridge, having done her PhD at Birmingham. Before that she was both an undergraduate and a BCL student at Worcester College, Oxford. Rebecca's principal teaching interests are criminal law and public law. Her works have been widely cited in the European Court of Justice, the Supreme Court and Court of Appeal of England and Wales, and the High Court of Australia. Besides the interrelationship between public law and unjust enrichment, her current research interests include Criminal Law (including EU criminal law) and Public Law (including EU public law and comparative approaches)