

Income Tax Amendment Bill

(Divided from the Organised Crime and Anti-corruption Legislation Bill)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Organised Crime and Anti-corruption Legislation Bill as reported from the Law and Order Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- Crimes Amendment Bill comprising clauses 1 and 2, and Part 1
- Anti-Money Laundering and Countering Financing of Terrorism Amendment Bill comprising subpart 1 of Part 2
- Companies Amendment Bill comprising subpart 2 of Part 2
- Criminal Investigations (Bodily Samples) Amendment Bill comprising subpart 3 of Part 2
- Criminal Proceeds (Recovery) Amendment Bill comprising subpart 4 of Part 2
- Customs and Excise Amendment Bill (No 3) comprising subpart 5 of Part 2
- Extradition Amendment Bill comprising subpart 5A of Part 2
- Financial Service Providers (Registration and Dispute Resolution) Amendment Bill comprising subpart 5B of Part 2
- Financial Transactions Reporting Amendment Bill comprising subpart 6 of Part 2
- this Bill comprising subpart 7 of Part 2
- Limited Partnerships Amendment Bill comprising subpart 7A of Part 2
- Misuse of Drugs Amendment Bill comprising subpart 8 of Part 2
- Mutual Assistance in Criminal Matters Amendment Bill comprising subpart 9 of Part 2
- Policing Amendment Bill comprising subpart 10 of Part 2
- Secret Commissions Amendment Bill comprising subpart 11 of Part 2.

Hon Amy Adams

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Income Tax Amendment Act **2015**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

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50 Principal Act

This **Act** amends the Income Tax Act 2007 (the **principal Act**).

51 Section DB 45 replaced (Bribes paid to public officials)

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Replace section DB 45 with:

DB 45 Bribes*When this section applies*

- (1) This section applies when a person (**person A**) gives or offers, or agrees to give, a bribe in the circumstances specified in section 101, 102(2), 103(2), 104(2), 105(2), 105C, or 105D(1) of the Crimes Act 1961. 5

No deduction

- (2) Person A is denied a deduction for the amount of the bribe.

Exclusions

- (3) This section does not apply in the circumstances specified in section 105C(3) of the Crimes Act 1961. 10

Definition

- (4) In this section, **bribe** is defined in section 99 of the Crimes Act 1961.

Link with subpart DA

- (5) This section overrides the general permission.

Defined in this Act: bribe, deduction, general permission, New Zealand 15

Compare: 2004 No 35 s DB 36

52 Section YA 1 amended (Definitions)

- (1) In section YA 1, repeal the definitions of **benefit**, **foreign public official**, **public official**, and **routine government action**.

- (2) In section YA 1, definition of **bribe**, delete “paid to public officials”. 20

- (3) In section YA 1, definition of **foreign country**, delete “paid to public officials”.

Legislative history

21 October 2015

Divided from Organised Crime and Anti-corruption Legislation
Bill (Bill 219–2) as Bill 219–3J