



David McLay

BARRISTER

QUALIFICATIONS

LLB (1st Class Honours)
MCA, Victoria University of Wellington
LLM University of Michigan
Admitted 1981 New Zealand

EXPERTISE

- Taxation
- Trust Law
- Charity and Not-for-Profit Law

CONTACT

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David McLay - main areas of expertise

David McLay specialises in tax, trust, and charity law.

TAX

David has broad experience and expertise in all facets of tax practice, including corporate income tax, Goods and Services Tax, and tax litigation.

David is well-known for:

- His broad experience in taxation matters affecting many different types of industries and taxpayers;
- His ability to provide effective solutions in an efficient and timely manner;
- His effective negotiating style.

David has provided taxation advice on a wide range of transactions, including mergers and acquisitions, international capital markets transactions and project financing. He has a very broad experience in New Zealand taxation matters. See recent major transactions below.

TAX DISPUTES

David is very experienced in handling tax disputes and is well known for his ability to resolve tax disputes without resort to litigation. He has appeared as counsel in about 40 tax cases at all levels from the (former) Privy Council to the Taxation Review Authority. See key cases below.

David has appeared for defendants in a number of tax prosecutions.

TAX POLICY

David has significant experience in acting for clients in relation to proposed tax legislation, and has appeared before the Finance and Expenditure Select Committee on numerous occasions, as well as before other Parliamentary Select Committees.

TRUSTS AND CHARITIES

David also has an extensive advisory practice in relation to domestic and international trusts.

David has advised a number of charities on a variety of structuring and restructuring issues. He has appeared as counsel in a number of charity law cases - see below.

Key Cases

TAX

- Rangatira Limited v CIR (gains from share sales)
- Shell NZ Holding Co Limited v CIR (GST – tax invoices on importation)
- CIR v Coveney (GST – farm houses)
- Hawkes' Bay Power Distribution Limited v CIR (tax accounting)

CHARITY

- Canterbury Development Corporation v Charities Commission (refusal of registration)
- Re Queenstown Lakes Community Housing Trust (deregistration)
- Re Tuhoe Charitable Trust Board (charitable scheme of amalgamation)
- Global Connections in Mission v Mandeno (charitable scheme)
- Wood v Prisoners Aid & Rehabilitation Trust (appointment of liquidator).

RECENT MAJOR TRANSACTIONS

- Advising the Central North Island Iwi Collective on the CNI Forests Settlement in 2008 (involving over a transfer of assets of over \$400m to the Collective)
- Advising on the establishment and restructuring of Tuhoe - Te Uru Taumatua

- Advising on the tax consequences of a company being restored to the register
- Advising on a family dispute involving trust administration issues

Key Appointments

- Rewrite Advisory Panel – Chair – 2008-14
- GST Advisory Panel – Member - 2010
- Covenant Trustee Services Limited – Director, then Chair - 2008 to 2015
- Tax Management New Zealand Limited - Advisory Board member – from 2003
- Philanthropy New Zealand – honorary member
- CCH New Zealand - Consultant Editor of New Zealand Tax Planning Report and member of the Editorial Board for New Zealand Income Tax Law and Practice
- Society of Trust and Estate Practitioners - New Zealand Branch Education Committee member
- International Fiscal Association - New Zealand Branch Committee member – 2000 to 2015
- New Zealand Law Society Taxation Committee – member 2005 to 2009
- Anglican Diocese of Wellington - Diocesan Council member (from 2013)
- Bible Society Development Fund – Board member and now Chair (from 2010)
- Bell Gully – partner – 1986 to 2003
- Victoria University of Wellington, Accountancy Department – Junior Lecturer/Lecturer – 1979 to 1981