



18 December 2015

Mr Ronald van der Horst
fyi-request-3424-485a0cdd@requests.fyi.org.nz

Dear Mr van der Horst

Thank you for your request made under the Official Information Act 1982, received on 27 November 2015. You have asked:

By "whose" or "what" authority is a tax imposed?

Successive New Zealand Parliaments have been held validly and have passed valid legislation, including the tax acts. The Inland Revenue Department was originally established by the enactment of the Inland Revenue Department Act 1952, and is now constituted by section 5 of the Tax Administration Act 1994 (TAA).

The general legislative authority for imposing and collecting taxes lies in the Inland Revenue Acts that are listed in the schedule to the TAA. These include the Income Tax Act 2007, which imposes tax on income, and the Goods and Services Tax Act 1985, which provides for the charging of GST on goods and services supplied in the course of carrying on a taxable activity.

I refer you to the decision in the tax case *Commissioner of Inland Revenue v Rupe (2003) 21 NZTC 18, 129*, which was later confirmed in the High Court. Mr Rupe questioned the authority of tax law and challenged his obligation to pay tax. He also asserted that he was exempted by virtue of the Treaty of Waitangi and Māori sovereignty arguments, as well as his Christian beliefs.

Judge Thomas rejected Mr Rupe's arguments in full, and cited the authority of Judge Penlington in *Warren v Police 9 February 2000, High Court Hamilton, AP 133/99*:

1. The New Zealand Parliament is empowered to make legislation.
2. The Acts of Parliament do not derive their authority from the Treaty of Waitangi or the Declaration of Independence.
3. The Acts of Parliament are binding on all persons within the territory of New Zealand, pakeha and Māori.

This fully covers the information you have requested.

Thank you for your request. I trust that the information provided is of assistance to you.

Yours sincerely

Tony Donoghue
Manager, Commissioner's Correspondence