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SECOND PROTOCOL TO THE AGREEMENT BETWEEN THE
GOVERNMENT OF NEW ZEALAND AND THE
GOVERNMENT OF MALAYSIA
FOR THE AVOIDANCE OF DOUBLE TAXATION AND
THE PREVENTION OF FISCAL EVASION WITH
RESPECT TO TAXES ON INCOME

The Government of New Zealand and the Government of
Malaysia,

Having regard to the Agreement between the Government of
New Zealand and the Government of Malaysia for the
Avoidance of Double Taxation and the Prevention of Fiscal
Evasion with respect to Taxes on Income done at Kuala
Lumpur on 19 March 1976 (hereinafter referred to as "the
Agreement"),

Have agreed that the following provisions shall form an
integral part of the Agreement:

Article 1

Subject to Article 21 of the Agreement, a New Zealand
resident deriving interest from Malaysia, being income
referred to in paragraph (3) of Article 20 of the

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Agreement, shall not be entitled to the benefit of that paragraph where the competent authority of New Zealand considers, after consultation with the competent authority of Malaysia, that the benefit is inappropriate, having regard to:

- (a) whether any arrangements have been entered into by any person for the purpose of taking advantage of paragraph (3) of Article 20 for the benefit of that person or any other person;
- (b) whether any benefit accrues or may accrue to any person who is neither a New Zealand resident nor a Malaysian resident;
- (c) the prevention of fraud or the avoidance of the taxes to which the Agreement applies;
- (d) any other matter which either competent authority considers relevant in the particular circumstances of the case, including any submissions from the New Zealand resident concerned.

Article 2

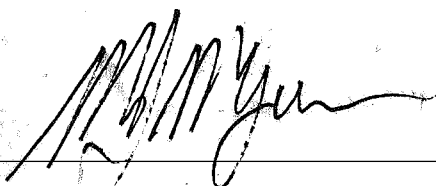
Article 1 of this Second Protocol shall apply to interest derived on or after 1 July 1993.

Article 3

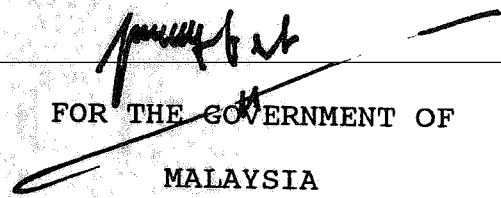
- (1) The Contracting States shall notify each other through diplomatic channels that the constitutional requirements for the entry into force of this Second Protocol have been complied with.

- (2) This Second Protocol shall enter into force on the date of the later of the notifications referred to in paragraph 1 of this Article.

DONE at Kuala Lumpur in duplicate this 14th day of July 1994 in the English language.



FOR THE GOVERNMENT OF
NEW ZEALAND



FOR THE GOVERNMENT OF
MALAYSIA