

**Third Protocol to the Agreement**  
**between**  
**the Government of New Zealand**  
**and**  
**the Government of the Republic of Singapore**  
**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 the Republic of Singapore,

Having regard to the Agreement between the Government of the Republic of Singapore and the Government of New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income done at Singapore on 21 August 1973 (hereinafter referred to as "the Agreement"),

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

#### **ARTICLE I**

Subparagraph (j)(iv) of paragraph 1 of Article 2 of the Agreement shall be deleted and replaced by the following:

"(j)(iv) payments of any kind to the extent to which they are made as consideration for the supply of commercial knowledge, information, or assistance which is given as a means of enabling the application or enjoyment of such knowledge or information; or"

#### **ARTICLE II**

Subparagraph (j)(x) and subparagraph (j)(xi) of paragraph 1 of Article 2 of the Agreement shall be deleted and replaced by the following subparagraph (j)(x):

"(j)(x) income from the performance of services as defined in Article 11;"

#### **ARTICLE III**

Subparagraphs (a) and (b) of paragraph 4 of Article 4 of the Agreement shall be deleted and replaced by the following subparagraphs (a), (b) and (c):

"(a) it carries on supervisory activities in that other Contracting State for more than six months in connection with a building site, or a construction, installation or assembly project which is being undertaken, in that other Contracting State; or

(b) substantial equipment is in that other Contracting State being used or installed by, for or under contract with the enterprise; or

(c) it furnishes services, including consultancy services, through employees or other personnel engaged by the enterprise for such purpose, within the other Contracting State for a period or periods aggregating more than 183 days within any twelve-month period commencing or ending in the year of income concerned or the basis period for the year of assessment, as the case may be."

#### ARTICLE IV

Article 11 of the Agreement shall be deleted and replaced by the new Article 11 and 11A as follows:

##### "Article 11 – Independent Personal Services

1. Income derived by an individual who is a resident of a Contracting State from the performance of professional services or other activities of an independent character shall be taxable only in that State except in the following circumstances when such income may also be taxed in the other Contracting State:

(a) if the individual has a fixed base regularly available in the other State for the purpose of performing such services or activities; in that case, only so much of the income as is attributable to that fixed base may be taxed in that other State; or

(b) if the individual's stay in the other State is for a period or periods exceeding in the aggregate 183 days within any twelve-month period commencing or ending in the year of income concerned or the basis period for the year of assessment, as the case may be; in that case, only so much of the income as is derived from such services or activities performed in that other State may be taxed in that other State.

2. The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

## Article 11A – Income from Employment

1. Subject to the provisions of Articles 12 and 14, salaries, wages and other similar remuneration (other than pensions) derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1, remuneration (other than pensions) derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

- (a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days within any twelve-month period commencing or ending in the year of income concerned or the basis period for the year of assessment, as the case may be; and
- (b) the remuneration is paid by, or on behalf of, an employer who is not resident of the other State; and
- (c) the remuneration is not borne by or deductible in determining the taxable profits of a permanent establishment or a fixed base which the employer has in the other State.

3. Notwithstanding paragraphs 1 and 2 of this Article, remuneration (other than pensions) derived by a resident of a contracting state in respect of an employment exercised aboard a ship or aircraft operating in international traffic shall be taxable only in that State.”

## ARTICLE V

Article 12 of the Agreement shall be deleted and replaced by the following:

### “Article 12 – Directors’ Fees

Directors’ fees and similar payments derived by a resident of a Contracting State in that resident’s capacity as a member of the board of directors of a company which is a resident of the other Contracting State shall be deemed to have a source in, and may be taxed in, that other State.”

**ARTICLE VI**

The words "Article 11" in paragraph 1 of Article 13 of the Agreement shall be deleted and replaced by "Articles 5, 11 and 11A".

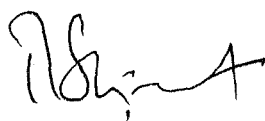
**ARTICLE VII**

Article I to VI of this Third Protocol shall apply to income derived on or after 1<sup>st</sup> January 2006.

**ARTICLE VIII**

1. The Contracting States shall notify each other through diplomatic channels that the constitutional requirements for the entry into force of this Third Protocol have been complied with.
2. This Third Protocol shall enter into force on the date of the later of the notification referred to in paragraph 1 of this Article.

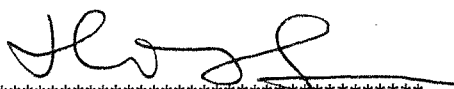
Done at Singapore in duplicate this 5th day of September 2005 in the English language.



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For the Government of  
New Zealand

Richard Grant  
High Commissioner of New Zealand  
to Singapore



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For the Government of the Republic  
of Singapore

Moses Lee  
Commissioner of Inland Revenue

