

that the woolmarking preparations set out in the Schedule hereto (a product of Syntex Agribusiness, East Tamaki, Auckland) are approved for sale and use in marking wool of sheep.

This approval takes effect on the 27th day of August 1987.

SCHEDULE

SYNTEX mating mark (cold), red, yellow, green.
 SYNTEX mating mark crayon (mild) red, yellow, green, purple.
 SYNTEX/SIRESINE crayon (mild) yellow, violet.
 SYNTEX/TUPPSINE crayon, orange, yellow.
 SYNTEX AEROSINE aerosol, orange.
 SYNTEX SPRAYMARKER aerosol, blue, black.
 SYNTEX STOCKMARKER aerosol, green.

Dated at Wellington this 17th day of August 1987.

M. L. CAMERON,
 Director-General of Agriculture and Fisheries.

6

Revocation of Approved Woolmarking Preparations (Notice No. 4138; Ag. 6/15/5/8)

PURSUANT to sections 69 and 94 of the Animals Act 1967 and after consultation with the New Zealand Wool Board, I hereby give notice that the approvals of the woolmarking preparations set out in the Schedule hereto are revoked.

This revocation takes effect on the 27th day of August 1987.

SCHEDULE

Date of Notice	Notice No.	Page No.	Gazette No.
25 January 1968	10186	94	4
21 November 1968	10334	2118	75
20 February 1969	10377	292	9
21 May 1970	10608	893	29
11 February 1971	10760	209	9
7 April 1971	10804	632	25
10 February 1972	191	283	13
4 May 1972	254	983	39
14 September 1972	359	1957	75
11 May 1972	269	1027	40
25 January 1973	417	127	5
1 November 1973	591	2258	101
16 January 1975	1006	65	2
10 April 1975	1095	828	32
1 April 1976	1411	714	34
14 April 1976	1419	827	40
17 February 1977	1641	357	16
21 July 1977	1759	2030	78
29 September 1977	1805	2596	101
29 April 1982	2805	1458	48
29 April 1982	2804	1459	48
7 October 1982	2903	3286	117
14 July 1983	3054	2186	101
25 August 1983	3082	2769	134
24 February 1983	2957	499	23
14 April 1983	3004	1091	49
29 September 1983	3096	3274	162
3 November 1983	3114	3641	183
16 February 1984	3188	424	22
13 December 1984	3405	5676	232
29 May 1986	3802	2345	84
29 May 1986	3803	2345	84
26 June 1986	3827	2721	98
4 September 1986	3874	3726	4
15 January 1987	3960	30	1
15 January 1987	3953	30	1
5 March 1987	4000	1036	29
5 March 1987	4001	1037	29

Dated at Wellington this 17th day of August 1987.

M. L. CAMERON,
 Director-General of Agriculture and Fisheries.

6

Confiscation of Motor Vehicle

PURSUANT to section 85 of the Criminal Justice Act 1985, an order was made in the Northshore District Court on 3 August 1987, against Linus William Fleming, for the confiscation of the following motor vehicle:

1970 Ford Escort Registration No. FH9435.

Dated this 10th day of August 1987.

G. FORD, Registrar.

1

Global Tariff Quota Tendering No. 1

NOTICE is hereby given of an error in the publication of the results of the above wine quota tender, published in *New Zealand Gazette*, No. 123, dated 30 July 1987.

Name and Location	No. of Units × \$10,000	Bids per Litre
Trade Consultants Ltd., Auckland	10	.17c
Trade Consultants Ltd., Auckland	5	.12c

Should have read:

Maximum Distributors, Auckland	10	.17c
Maximum Distributors, Auckland	5	.12c

Dated at Wellington this 12th day of August 1987.

M. W. TAYLOR, Comptroller of Customs.

2

Unit Trusts with Repurchase Obligations

DETERMINATION G4: This determination may be cited as "Determination G4: Unit Trusts with Repurchase Obligations".

1. *Explanation* (which does not form part of the determination). This determination deals with publicly-available unit trusts where the trust manager has agreed to purchase interests in the unit trust from unit holders at a price that reflects the value of the net assets of the trustees of the unit trust. It states that the gain or loss arising on the sale or disposal of an interest in such a unit trust is attributable solely to the interest in the unit trust.

The interest of a unit holder in a unit trust is deemed to be a share under section 211 of the Income Tax Act 1976. A share is an 'excepted financial arrangement' for the purposes of sections 64B to 64M of the Act. The effect of this is that the gain or loss is attributable to an excepted financial arrangement and is not dealt with under sections 64B to 64M of the Income Tax Act 1976.

2. *Reference*—This determination is made pursuant to section 64E (1) (e) of the Income Tax Act 1976.

3. *Scope of Determination*—This determination shall apply to every publicly-available unit trust in relation to which there is a market-value buy-back obligation on the trust manager.

4. *Principle*—The intention of the regime, enacted as sections 64B to 64M of the Income Tax Act 1976, for the income tax treatment of financial arrangements, is to deal only with income, gains or losses, and expenditure in relation to debt and surrogates for debt. It is not intended to affect the income tax treatment of equity where equity is not used to construct a surrogate for debt.

A publicly-available unit trust is a vehicle for public participation in a business venture. An interest in such a unit trust is equity. This is recognised by section 211 of the Income Tax Act 1976, which provides that for the purposes of the Income Tax Act—

- Every unit trust shall be deemed to be a company; and
- The interests of the unit holders in a unit trust shall be deemed to be shares in the company; and
- The unit holders shall be deemed to be shareholders in the company.

An obligation to purchase amounts to an option to sell for the person that may have the obligation enforced. An option to sell at market-value has no value.

The market-value buy-back obligation on a trust manager amounts to an undertaking on the part of the trust manager to make a market in interests of the trust or to arrange an orderly realisation of trust assets to ensure that unit holders may realise their investments.