

IN THE SUPREME COURT OF NEW ZEALAND

**SC 62/2010
[2010] NZSC 94**

BETWEEN IAN DAVID PENNY AND GARY JOHN
HOOPER
Appellants

AND COMMISSIONER OF INLAND
REVENUE
Respondent

Court: Blanchard, Tipping and McGrath JJ
Counsel: G J Harley for Appellants
D J Goddard QC and H W Ebersohn for Respondent
Judgment: 2 August 2010

JUDGMENT OF THE COURT

- A The application for leave to appeal is granted.**
- B The approved ground is whether the Court of Appeal was right to find that the appellants had failed to establish that their use of their corporate and family trust structures did not constitute tax avoidance arrangements for the purposes of s BG1 of the Income Tax Act 1994.**

The above ground enables the appellants to present argument on all the issues set out in paragraph 28 of the application for leave.

Solicitors:
Alexander & Paull, Christchurch for Appellants
Crown Law Office, Wellington