



Cabinet

Minute of Decision

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Tax Administration (Research and Development Tax Credit Deadlines for Taxpayers Affected by Weather Events) Order 2023

Portfolio Revenue

On 20 February 2023, Cabinet:

- 1 **noted** that the Research and Development Tax Incentive (RDTI) has a range of due dates by which businesses must file applications for approval and supplementary returns in order to be eligible for Research and Development (R&D) tax credits;
- 2 **noted** that the Tax Administration Act 1994 contains a broad power to extend, by Order in Council, the time provided for doing something under the Act;
- 3 **noted** that the Tax Administration (Research and Development Tax Credit Deadlines for Taxpayers Affected by Weather Events) Order 2023 extends the deadlines in paragraph 1 until 31 March 2023 for taxpayers with an RDTI filing deadline between 26 January 2023 and 7 March 2023 if either or both of the January flood events and Cyclone Gabrielle significantly adversely affect their ability to comply with the filing deadline;
- 4 **authorised** the submission to the Executive Council of the Tax Administration (Research and Development Tax Credit Deadlines for Taxpayers Affected by Weather Events) Order 2023 [PCO 25305/5.0];
- 5 **noted** that a waiver of the 28-day rule is sought:
 - 5.1 so that the Tax Administration (Research and Development Tax Credit Deadlines for Taxpayers Affected by Weather Events) Order 2023 can come into force as soon as possible;
 - 5.2 on the grounds that not waiving the rule will:
 - 5.2.1 lengthen the uncertainty faced by R&D businesses affected by the weather events regarding their RDTI approval status;
 - 5.2.2 delay receipt of R&D tax credits during a period in which those funds may be important for coping with the impact of the weather events;
 - 5.2.3 increase the processing backlog for Inland Revenue as applications/returns will not be able to be processed for a further 28 days;

6 **agreed** to waive the 28-day rule so that the regulations can come into force as soon as possible.

Rachel Hayward
Secretary of the Cabinet