VOLUME 4

CONTENTS

	Page
PART B: TAXATION OF INCOME FLOWING THROUGH INTERMEDIARIES	l
CHAPTER 19 - CORPORATIONS	3
	10
THE PRESENT SYSTEM	10
General Current Distributions Retained Earnings Surplus-Stripping Corporate Acquisitions and Reorganizations Personal Corporations Investment Companies Mutual Organizations	. 10 11 11 12 15 16 17 18
SOME DEFECTS OF THE PRESENT SYSTEM	18
THE DOUBLE TAXATION ARGUMENT	19
INTEGRATION AND CAPITAL GAINS	28
THE EFFECTS OF THE INTEGRATION PROPOSAL	28
Shifting The Demand for Canadian Equities The Supply of Canadian Equities The Rate of Investment Financing Integration The Dual Rate of Tax Tax Avoidance Generally Equity and Neutrality Between Organizations Committee-of-Four Proposal	29 30 32 34 34 35 36 37 37
OTHER ALTERNATIVES	44
Allow Dividends as a Deduction Treat Corporations as Partnerships Exempt Distributions from Further Tax Increase the Dividend Tax Credit Levy a Special Tax on Retained Earnings	44 44 45 46 46
TREATMENT IN OTHER COUNTRIES	47
SOME FURTHER ASPECTS OF OUR PROPOSAL	49
Various Forms of Eligible Distribution Allocation of Income Corporate Incentives Foreign Income Carry-Over of Losses Intercorporate Dividends Special Corporations Other Canadian Recipients	51 55 57 58 60 60 61 61

Page

.

-

Preferred Shareholders Non-Resident Shareholders Dividend Taxation Related to Share Gain Taxation Corporate Acquisitions and Reorganizations Closely Held Corporations Shareholder Information Determination of the Rate of Corporation Income Tax Credit Option to be Taxed as a Partnership	61 62 63 65 66 66 67 68
SOME PROBLEMS IN THE PROPOSAL	70
Rigidity Federal-Provincial Relations Tax Avoidance Transactions Between Residents and Non-Residents Interest Paid to Non-Resident Shareholders Transitional Problems Timing of Proposed Changes Treatment of Surplus on Hand at the Date of the Legislation Problems Arising from Temporary Reduction in Tax Revenues from Corporate Source Income	71 71 72 74 74 75 76
CONCLUSIONS AND RECOMMENDATIONS	82
REFERENCES	94
CHAPTER 20 - MUTUAL ORGANIZATIONS AND TAX-EXEMPT ENTITIES	99
THE NATURE OF THE PROBLEM	99
Producer Co-operatives Performing a Marketing Function Producer Co-operatives Performing a Supply Function Consumer Co-operatives Other Forms of Mutual Organization Assessment of the Present Tax Treatment Proposed Solution	100 101 101 102 102 105
CO-OPERATIVES	108
The Co-operative Form of Organization Applicability of an Income Tax History of Tax Treatment Analysis of Tax Treatment Proposed Treatment	108 109 111 112 114
CREDIT UNIONS AND CAISSES POPULAIRES	118
Form of Organization and Operation Applicability of an Income Tax Proposed Treatment	118 120 121
MUTUAL INSURANCE COMPANIES	122
MISCELLANEOUS TAX-EXEMPT ORGANIZATIONS	123
Filing of Income Returns Governmental Organizations (Including Public Utilities) Privately Owned Public Utilities Charities and Other Non-Profit Organizations Present and Proposed Tax Treatment	124 124 126 128 131

,

	Page
CONCLUSIONS AND RECOMMENDATIONS	142
REFERENCES	145
CHAPTER 21 - TRUSTS	149
TERMINOLOGY	152
PRESENT TAXATION OF TRUSTS	154
PROPOSED TAXATION OF TRUSTS	155
Proposal in Outline Transitional Provisions Order of Distribution of Trust Assets Income Currently Distributable Income Accumulated Alternative Election Gifts Held in Trust for a Member of the Donor's Family Unit Credit for Initial Tax at the Cumulative Average Rate Tax Credits with Respect to Dividends and Other Income Losses Benefits Reversions Taxation of Specific Kinds of Gifts Income-Splitting and Attribution of Income Multiple Trusts Exempt Trusts Exempt Beneficiaries Business and Investment Trusts, Including Unit Holders' Trusts Residence of Trusts Change of Residence of Trust Income from Foreign Sources Payments to Non-Resident Beneficiaries Future Development of Trusts	195 197 198 199 202
CONCLUSIONS AND RECOMMENDATIONS	203
REFERENCES	210
PART C: DETERMINATION OF BUSINESS INCOME	213
CHAPTER 22 - GENERAL BUSINESS INCOME	215
THE PRESENT SYSTEM IN GENERAL	216
Appraisal.	218
MAIN PROBLEM AREAS	218
Application of Accounting Practices Inclusions in the Tax Base Timing of Revenue Deductibility of Costs Timing of Costs Business Losses Transactions Not at Arm's Length	218 220 224 227 232 252 263

		Page
NE	IN AND SMALL BUSINESSES	267
	Dual Corporate Rate	267
	Rapid Write-off of Capital Cost	276
CC	DNCLUSIONS AND RECOMMENDATIONS	282
RE	FERENCES	288
CHAPI	ER 23 - MINING AND PETROLEUM	295
TH	E DETERMINATION OF INCOME FROM MINERAL AND PETROLEUM EXTRACTION	298
	Discovery Value	298
	Exploration Costs Generally	300
	Development Costs Generally	301
	Exploration and Development Costs in Mining	302
	Depreciable Assets Used in Mining	<u>305</u>
	Exploration and Development Costs in Petroleum	303
PR	RESENT TAX TREATMENT	304
AR	CUMENTS FOR SPECIAL TAX PROVISIONS	30 6
	Accounting Neutrality	307
	The Tax System Bias Against Risk Taking	308
	The Capital Market Bias Against Risk Taking	309
	Corporation Tax Discrimination Against Mineral and	202
	Petroleum Extraction	310
	Social and Economic Benefits	511
А	SUMMARY OF OUR VIEWS	325
EF	FICIENCY OF THE PRESENT MAJOR TAX CONCESSIONS	327
	Deduction of Exploration and Development Costs	330
	The Three-Year Exemption for New Mines	350
		<i></i>
TH	E PROPOSED TAX TREATMENT	331
	The Proposal	333
	Three-Year Exemption and the Depletion Allowance	536
	Exploration Costs	338
	Development Costs	338
	Property Costs	339
	Property Gains	343
	Deduction for Shareholders	345
	Undeducted Property Costs	346
	Prospector and Grubstaker Exemption	347
	Shareholder Depletion	347
	Special Aspects of the Proposed Tax Treatment	347
	Proposed Tax Treatment of the Mining and Petroleum Industries	- 1
	Compared with the Proposed Tax Treatment of Other Industries	355
	Effect of the Proposed Tax Treatment	359
	-	
CO	NCLUSIONS AND RECOMMENDATIONS	368
RE	FERENCES	377

.

	Page
CHAPTER 24 - FINANCIAL INSTITUTIONS	381
BANKS, TRUST COMPANIES, MORTGAGE LOAN COMPANIES, AND FINANCE AND CONSUMER LOAN COMPANIES	382
Main Tax Considerations Present Tax Treatment of Reserves Evaluation of Present Tax Treatment of Reserves Appraisal	583 385 387 396
LIFE INSURANCE COMPANIES	402
Characteristics of These Companies Main Tax Considerations Present Tax Treatment Evaluation of Present Tax Treatment Foreign Methods of Taxation Alternatives to Present Tax Treatment Annuities, and Accident and Sickness Insurance Proposed Tax Treatment Transitional Provisions	407 412 415 417 419 421 422 429
CONCLUSIONS AND RECOMMENDATIONS	431
REFERENCES	434
CHAPTER 25 - OTHER INDUSTRIES	439
FARMING	439
Cash Basis of Computing Income Personal Aspects of Farming Income Averaging Capital Cost Allowance Sale of Depreciable Property to a Child Sale of Farm Land Revenue Effects	440 445 448 449 451 451
FISHING	452
FORESTRY	452
Measurement of Income Deduction of Cost Proceeds from Disposal of Timber Limits or Rights Provincial Logging Taxes Concessions to the Industry Revenue Effects	452 453 458 459 459 460
CONSTRUCTION	460
Measurement of Income Present Tax Treatment Appraisal	460 462 464
GENERAL INSURANCE	465
Provision for Policy Claims Mutual General Insurance Foreign Companies	466 467 470

	Page
CONCLUSIONS AND RECOMMENDATIONS	472
REFERENCES	475
PART D: INTERNATIONAL	479
CHAPTER 26 - INTERNATIONAL ASPECTS OF INCOME TAXATION	481 .
MAJOR ISSUES	482
PRINCIPAL PROPOSALS	486
NEUTRALITY AS AN INTERNATIONAL CONCEPT	491
PRESENT TREATMENT OF INTERNATIONAL INCOME IN THE UNITED STATES, THE UNITED KINGDOM AND CANADA	496
Business Income Property Income Employment Income Taxation in the Country of Source Taxation in the Country of Destination	497 497 498 499 499
PRESENT TREATMENT OF INTERNATIONAL INCOME IN CANADA	500
Residents Non-Residents	501 502
TAXATION IN CANADA AS THE COUNTRY OF DESTINATION	503
Equity Considerations Economic Considerations Specific Types of Income Full Gross-up and Credit Our Proposal Portfolio Investment Income	503 505 508 512 515 534
TAXATION IN CANADA AS THE COUNTRY OF SOURCE	537
Equity and Neutrality Considerations The Concept of Residence Carrying on Business in Canada Business Income Property Income Personal Service Income Gifts and Payments from Trusts and Estates Optional Filing of a Canadian Tax Return Special Corporations	537 541 543 545 546 551 554 555 557
ADMINISTRATION	561
International Tax Avoidance Organization and Staffing	561 563

,

,

•

.

	Page
THE TAX TREATIES	566 ·
Prevention of Double Taxation Prevention of Fiscal Evasion Appraisal	567 568 569
CONCLUSIONS AND RECOMMENDATIONS	570
REFERENCES	578
APPENDIX A - A COPY OF THE LETTER RECEIVED BY THE CANADIAN INSTITUTE OF CHARTERED ACCOUNTANTS FROM ITS COMMITTEE ON ACCOUNTING AND AUDITING RESEARCH	581
APPENDIX B - THE FOREIGN TAXATION OF TRUST INCOME	585
APPENDIX C - BUSINESS TRUSTS	591
APPENDIX D - A MAJOR WEAKNESS OF THE PRESENT SYSTEM OF TAXING CORPORATIONS	597
APPENDIX E - INCIDENCE OF TAXATION ON INDIVIDUAL SHAREHOLDERS UNDER THE PRESENT SYSTEM OF TAXING CORPORATE SOURCE INCOME	617
APPENDIX F - ALTERNATIVE METHODS OF TAXING CORPORATE SOURCE INCOME	625
APPENDIX G - THE FOREIGN TAXATION OF CORPORATE PROFITS	641
APPENDIX H - ACCOUNTING AND REPORTING PROCEDURES FOR THE INTEGRATION OF CORPORATION AND PERSONAL INCOME TAXES	661
APPENDIX I - THE DUAL RATE OF CORPORATION INCOME TAX	703
APPENDIX J - A POSSIBLE TRANSITION TAX ON CORPORATE SOURCE INCOME	725
APPENDIX K - TAX CONCESSIONS TO THE MINING AND PETROLEUM INDUSTRIES	733
APPENDIX L - TAXATION OF FOREIGN INCOME UNDER THE UNITED STATES INTERNAL REVENUE CODE	743
APPENDIX M - COMPARISONS OF TAX LIABILITIES ON CORPORATE SOURCE INCOME FROM SHARES FOR TAX UNITS AT DIFFERENT INCOME LEVELS AND WITH DIFFERENT FAMILY CHARACTERISTICS UNDER ALTERNATIVE ASSUMPTIONS UNDER THE CURRENT AND PROPOSED TAX SYSTEMS	773

Page

APPENDIX N - COMPARISONS OF TAX LIABILITIES ON CORPORATE SOURCE INCOME FROM SHARES FOR TAX UNITS AT DIFFERENT INCOME LEVELS AND WITH DIFFERENT FAMILY CHARACTERISTICS UNDER OUR PROPOSALS AND UNDER THE PROPOSALS OF THE COMMITTEE OF FOUR AS MODIFIED

INDEX

791

803