NOTES: 1. This is an open book examination.
2. ANSWER ALL QUESTIONS.
3. THIS EXAMINATION CONSISTS OF 2 QUESTIONS. EACH QUESTION IS WORTH 50 MARKS.
4. THE APPENDIX CONTAINS POTENTIALLY RELEVANT PROVISIONS FROM TAX TREATIES OTHER THAN THE CANADA-U.S. TREATY.
QUESTION 1

Lars Fosgaard is a professional ice hockey player who has been employed by the Montreal Canadiens hockey team (the “Canadiens”) since 2010. Incorporated in Canada in 1909 and based in Montreal since then, the Canadiens are the oldest professional hockey franchise in the world and the most successful hockey team in the history of the National Hockey League (the “NHL”), the world’s premier professional hockey league with 30 teams in Canada and the United States of America and regularly scheduled games in both countries.

A citizen of Denmark, Lars grew up in a suburb of Copenhagen, where his father Olaf, a former Danish international ice hockey player, taught him how to play hockey at an early age. Lars’ parents Olaf and Birgitte continue to reside in Denmark, where Olaf coaches professional ice hockey and Birgitte is a pastor in the Danish National Church of which 80% of Denmark’s population are members. Canada has a tax treaty with Denmark.

After two seasons as the best player in Sweden’s elite junior hockey league, Lars was picked by the Canadiens in the NHL’s annual Entry Draft in June 2010. Shortly thereafter he signed a two-year contract with the Canadiens for an annual salary of $900,000 plus a signing bonus of $200,000 payable over two years. After spending the summer in Denmark, Lars flew to Montreal on September 15, 2010, where he checked into a hotel and reported to the team’s pre-season training camp a week later.

During the 2010-11 season Lars lived exclusively in hotels, staying at the luxurious Queen Elizabeth Hotel when the team was playing in Montreal, and travelling with the team when it played games in other cities. In the fall of 2010, the team played 40% of its regularly scheduled games in U.S. cities, and Lars was present in the U.S. for 25 of the 100 days in the calendar year from the start of the pre-season training camp to December 31. In the winter and spring of 2011, the team played a third of its games in the U.S. (excluding playoff games for which team members are not paid), and Lars was present in the U.S. for 20 of 100 days in the calendar year from January 1 the last day of the regular season.

A week after the season ended, Lars returned to Denmark, where he purchased a condominium in Copenhagen with his girlfriend Julie, an assistant producer with Danish television. Although Lars remained in Copenhagen throughout most of the off-season, he and Julie travelled to Montreal in late July to find an apartment where Lars could live during the 2011-12 season and Julie could visit when her work schedule allowed. After a week of searching, Lars rented an apartment for one year commencing on September 1, 2011 and ending on August 31, 2012.
Question 1 (continued)

After spending the rest of the summer in Copenhagen, Lars and Julie returned to Montreal in early September to buy furniture and settle into the rented apartment before the start of the next hockey season. Two weeks later, Lars reported to the team's training camp and Julie returned to Copenhagen to work on a television project. During the 2011-12 hockey season, Julie returned to Montreal for three weeks in December, and two weeks in March of 2012.

Although Lars played well in 2011-12, the team had a disappointing year, finishing last in its division. In the fall of 2011, the team played half of its regularly scheduled games in the U.S. and Lars was present in the U.S for 30 of 100 of the 100 days in the calendar year from the start of the pre-season training camp to the end of the year. In the winter and spring of 2012, the team played a quarter of its games in the U.S., and Lars was present in the U.S. for 15 of 100 days in the calendar year from January 1 until the last day of the season.

A week later, Lars returned to Denmark, where he and Julie were married. Shortly thereafter, the Canadiens offered Lars a four-year contract for $12 million, plus a signing bonus of $500,000. After speaking with his agent, Lars accepted the offer on the condition that the bonus would be paid to a company of which Lars was the sole shareholder that his agent had set up in Liechtenstein. The team reluctantly agreed and transferred $500,000 to the Liechtenstein company, which invested the funds in bonds, the interest from which was subject to tax in Liechtenstein at a rate of 15%. Although Canada does not have a tax treaty with Liechtenstein, it entered into a tax information exchange agreement with this country in 2013.

Shortly thereafter, Julie decided to take a leave of absence from her job in Copenhagen so that she could move to Montreal, where she and Lars decided to purchase a residence. In July 2012, the couple bought a condominium in downtown Montreal, where they moved at the end of August when the lease on the Montreal apartment ended. Instead of selling their condominium in Copenhagen, however, they decided to rent it to arm's length tenants.

Although Lars was excited about the Canadiens' prospects in 2012-13, the NHL season was delayed when the owners of the league's 30 franchises declared a lockout before a collective agreement with the National Hockey League Players' Association (the "NHLPA") was due to expire. Although negotiations between the franchise owners and the NHLPA continued throughout the fall of 2012, a new collective agreement was not signed until January 6, 2013, as a result of which the 2012-13 regular season was shortened from 82 games to 48 games scheduled from mid-January to the end of April 2013. As a further consequence, Lars received no payments from the Canadiens during the lockout and a reduced
Question 1 (continued)

salary for the remainder of the season based on the ratio of the 48 games played in the shortened season to the 82 games played in a regular season.

With no income from the Canadiens during the lockout, Lars decided to play in the Finnish ice hockey league, for which he earned a salary of $200,000. During this time, Julie remained in Montreal and Lars lived in hotels in Finland (with which Canada has a tax treaty), except over Christmas when Lars and Julie visited their parents in Copenhagen. After the lockout ended, Lars returned to Montreal to play with the Canadiens. In shortened season, the team played 18 of 48 regular season games in the U.S. (37.5%), and Lars was present in the U.S. for 25 of 100 days in the calendar year from the start of to the end of the season.

Although Lars filed tax returns in Denmark in 2010, 2011 and 2012, and a tax return in Canada in 2013, he did not file tax returns in Canada for 2010, 2011 or 2012, nor in Finland for 2012. Nonetheless, since Canadian, U.S. and Finnish taxes were deducted from salary payments (excluding bonuses) that he received in these years, he deducted these taxes in computing his tax payable in Denmark – which applied at a rate of 55%, plus church tax (Kirkeskatten) computed as 2% of tax payable.

Lars recently received a notice from the Canada Revenue Agency (CRA), stating that it considers him to have become a resident of Canada in September 2010, and asking him to file Canadian tax returns on this basis for his 2010, 2011 and 2012 taxation years. Please advise Lars on the following issues arising from this notice, referring to relevant statutory and treaty provisions and judicial decisions:

(1) when, if at all, did Lars become a resident of Canada for income tax purposes? [16 marks]

(2) what income of Lars was subject to Canadian tax when Lars was not resident in Canada? [8 marks]

(3) what income of Lars was subject to Canadian tax when Lars was resident in Canada? [10 marks]


(5) could the United States and Finland tax any of the income that Lars received from playing hockey games in these countries? [4 marks]

END OF QUESTION 1
QUESTION 2

Rio Pinto Canada Ltd. ("RPC") is a member of the Rio Pinto Group of companies and a wholly-owned subsidiary of Rio Pinto plc ("RPUK"), which is based in London, England, where its board meets regularly and its shares are listed on the London Stock Exchange. The Rio Pinto Group is one of the world's leading resource companies, with operations around the world, and specializes in the production of aluminum and the exploration and extraction of various minerals including bauxite, which is refined to produce alumina, from which aluminum is produced through the process of smelting.

Based in Montreal, where its board of directors meets four times a year, RPC is the world's largest producer of aluminum, with direct ownership of aluminum smelters in Jonquière and Trois Rivières, Québec, and indirect ownership of bauxite mines in Australia and the Republic of Guinea, and alumina refineries in Australia and France. While the alumina refineries in Australia and France are operated by wholly-owned subsidiaries of RPC called Australia Alumina Ltd. ("AAL") and Rio Pinto France SAS ("RPF"), the bauxite mines in Australia and Guinea are operated by companies of which arm's length persons own a majority of the shares and RPC owns a minority of the shares – Weipa Mining Ltd. ("WPL") in Australia, of which RPC holds 40% of the shares, and the Compagnie de Bauxites de Guinea ("CBG"), of which RPC holds 25% of the shares.

Each of these subsidiaries was incorporated in the country in which it carries on its operations, and each is governed by a board of directors that regularly meets in the country, except for AAL whose board has the same members as RPC and regularly meets in Montreal. Although Canada has tax treaties with Australia and France, it has neither entered into nor signed a tax treaty or a comprehensive tax information exchange agreement (TIEA) with Guinea and has neither begun nor sought to enter into negotiations for a TIEA with Guinea (which has not signed on to the Convention on Mutual Administrative Assistance in Tax Matters).

RPC also has a wholly-owned subsidiary called Rio Pinto (Barbados) Finance Ltd. ("RPBF") which provides financing to other RPC subsidiaries, and has an indirect interest in a Liberian iron ore mine through RPF which owns 51% of the shares of a company called Feral Mining (Liberia) Ltd. ("FML"). Each of these companies is incorporated in and governed by boards that meet in the countries in which they operate. While Canada has entered into a tax treaty with Barbados, it has neither entered into nor signed a tax treaty or a TIEA with Liberia (which has not signed on to the Convention on Mutual Administrative Assistance in Tax Matters), but sought to enter into negotiations for a TIEA with Liberia in July 2007.

Besides RPC, other companies in the Rio Pinto Group include Rio Pinto Singapore Ltd. ("RPS"), which provides legal and administrative services for other companies
Question 2 (continued)

in the Group, and Rio Pinto Bermuda Ltd. ("RPB") which purchases refined alumina from companies in the Group for sale to other Rio Pinto companies and arm's length persons. Each of these companies is a wholly-owned subsidiary of RPUK, was incorporated in the country in which it operates, and is governed by a board of directors that meets regularly in the country. Canada has entered into a tax treaty with Singapore and a TIEA with Bermuda.

RPC was created in 2007 when its predecessor, Rio Pinto Canada Holdings Ltd. ("Holdings"), a wholly-owned subsidiary of RPUK, was amalgamated with Canadian-based aluminum producer Alumican Inc. ("Alumican") after Holdings had acquired all the shares of Alumican. In order to finance its acquisition of Alumican shares, RPUK contributed $20 billion of capital to Holdings, and caused Holdings to borrow $10 billion at a rate of 5% from arm's length Canadian lenders — who were willing to lend this amount to Holdings at this rate only on the condition that RPUK would guarantee the debt. In exchange for this guarantee, RPUK charged a fee equal to 1% of the principal amount owing to the Canadian lenders, which it estimated to be comparable to the reduction in arm's length borrowing costs that Holdings enjoyed as a result of the guarantee. As successor to Holdings, RPC assumed its predecessor's obligations to pay interest to the Canadian lenders and guarantee fees to RPUK.

As a member of the Rio Pinto Group, RPC was given access to confidential industrial and scientific expertise developed by RPUK, for which it paid RPUK 4% of its annual gross revenues from the sale of aluminum. It also obtained legal and administrative services from RPS (which conducted its business exclusively in Singapore) for which RPC paid a reasonable amount that was comparable to an amount that would have paid to an arm's length provider of these services. Finally, RPC was required to purchase all alumina from RPB, to which its subsidiaries and were required to sell their refined alumina. After extensive analysis, the Canada Revenue Agency (CRA) has determined that the price that RPB paid to acquire alumina was comparable to arm's length prices, but the price at which it sold this alumina to members of the Rio Pinto Group exceeded the price at which it sold alumina to arm's length purchasers.

Although bauxite and alumina prices fell sharply after the global financial crisis in 2008, the market for these commodities recovered from 2009 to 2011, as a result of which AAL and CBG reported healthy profits in 2012 (which were subject to tax at a rate of 30% in Australia and 35% in Guinea) out of which these companies were able to pay substantial dividends, which were subject to withholding taxes of 5% in Australia and 15% in Guinea. In contrast, WLP paid no dividends that year, but invested its after-tax profits in interest-bearing securities in order to accumulate
capital for the future expansion of its bauxite mine. Similarly, although FML reported net profits from its mining operation in 2012, on which it paid corporate income tax at a rate of 25%, it also paid no dividends that year but invested its after-tax income in the mine. RPF, which incurred substantial losses from 2007 to 2011, also paid no dividends in 2012 and paid no corporate tax. Finally, RPBF reported interest income that it received from other RPC subsidiaries in 2012 and 2013 (which deducted these payments in computing their own incomes for these years), on which it paid corporate tax of 2.5%, but paid no dividends to RPC.

After peaking in 2011, aluminum prices declined steadily in 2012 and 2013, as a result of which RPC reported substantial losses in 2013 and found it increasingly difficult to pay the interest on its debt owing to Canadian lenders. Concerned that RPC might default on this debt and damage its own credit rating, RPUK acquired the debt from the Canadian lenders for the principal amount outstanding. Instead of holding the debt directly, however, it incorporated a wholly-owned subsidiary in the United States called Rio Pinto U.S. Inc. ("RPUS"), to which it transferred the debt in exchange for retractable preferred shares of RPUS paying a fixed dividend of 5% per year. It also waived the guarantee fee on the basis that this payment was no longer necessary once the debt was held by RPUS.

The CRA has asked you to help it assess RPC’s tax payable for 2012 and 2013. In addition to any other issues that you may consider relevant, please address the following questions, referring to applicable statutory and treaty provisions as well as relevant judicial decisions:

(1) where was AAL resident for Canadian tax purposes [4 marks];

(2) what if any amounts should RPC have included in computing its income in respect of the dividends that it received from AAL and CBG in 2012 [1 mark], and what if any amounts could RPC deduct in respect of these dividends in computing its taxable income for this year [6 marks];

(2) what, if any, amounts should RPC have included in respect of the incomes that WPL, RPBF and FML reported in 2012 [12 marks], and what if any amounts could RPC have deducted in respect of any of these amounts in computing its income or taxable income for this year [2 marks];

(3) what if any amounts could RPC deduct in respect of purchases of alumina from RPB [2 marks], and what if any taxes should RPC have withheld in respect of (a) guarantee fees paid to RPUK [5 marks], (b) service fees paid to RPS [5 marks], (c) amounts paid to RPUK for industrial and scientific expertise [5 marks], and (d) interest payments to RPUS [8 marks].

END OF EXAMINATION
Appendix 1
Selected Tax Treaty Provisions for Question 1

Canada-Denmark Income Tax Convention

Article 1 - Persons Covered

This Convention shall apply to persons who are residents of one or both of the Contracting States.

Article 2 - Taxes Covered

1. This Convention shall apply to taxes on income and on capital imposed on behalf of each Contracting State and in the case of Denmark its political subdivisions and local authorities, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital, including taxes on gains from the alienation of movable or immovable property, as well as taxes on capital appreciation.

3. The existing taxes to which the Convention shall apply are in particular:

   a. in the case of Canada: the taxes imposed by the Government of Canada under the Income Tax Act, (hereinafter referred to as “Canadian tax”);

   b. in the case of Denmark:

      1. the income tax to the State (indkomstskatten til staten);
      2. the municipal income tax (den kommunale indkomstskat);
      3. the income tax to the county municipalities (den amtskommunale indkomstskat);
      4. the church tax (Kirkeskatten);
      5. the tax on dividends (udbytteskatten);
      6. the tax on interest (renteskatten);
      7. the tax on royalties (royaltyskatten);
      8. taxes imposed under the Hydrocarbon Tax Act (skatter i henhold til kulbrinteskatteloven); and
      9. the capital tax to the State (formueskatten til staten),
         (hereinafter referred to as “Danish tax”).
Article 4 – Resident

1. For the purposes of this Convention, the term "resident of a Contracting State" means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature. The term also includes a Contracting State itself, a political subdivision, a local authority and a statutory body thereof. The term does not include any person who is liable to tax in that State in respect only of income from sources in that State.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:

a. he shall be deemed to be a resident only of the State in which he has a permanent home available to him; if he has a permanent home available to him in both States, he shall be deemed to be a resident only of the State with which his personal and economic relations are closer (centre of vital interests);

b. if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident only of the State in which he has an habitual abode;

c. if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident only of the State of which he is a national;

d. if he is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

* * *

Article 5 - Permanent Establishment

1. For the purposes of this Convention, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

* * *

Article 7 - Business Profits

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on
or has carried on business as aforesaid, the profits of the enterprise may be
taxed in the other State but only so much of them as is attributable to that
permanent establishment.

* * *

Article 15 – Dependent Personal Services

1. Subject to the provisions of Articles 16, 18 and 19, salaries, wages and other
similar remuneration 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 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 in any twelve-month period
      commencing or ending in the calendar year concerned; and

   b. the remuneration is paid by, or on behalf of, an employer who is not a
      resident of the other State; and

   c. the remuneration is not borne by a permanent establishment or a fixed
      base which the employer has in the other State.

* * *

Article 17 – Artistes and Sportsmen

1. Notwithstanding the provisions of Articles 7 ... and 15, income derived by a
resident of a Contracting State as an entertainer, such as theatre, motion picture,
radio or television artiste, or a musician, or as a sportsman, from his personal
activities as such exercised in the other Contracting State, may be taxed in that
other State.

2. Where income in respect of personal activities exercised by an entertainer or a
sportsman in his capacity as such accrues not to the entertainer or sportsman
himself but to another person, that income may, notwithstanding the provisions of
Articles 7 ...and 15, be taxed in the Contracting State in which the activities of
the entertainer or sportsman are exercised.
3. The provisions of paragraph 2 shall not apply if it is established that neither the entertainer or the sportsman nor persons related thereto, participate directly or indirectly in the profits of the person referred to in that paragraph.

* * *

Article 23 - Elimination of Double Taxation

1. In the case of Canada, double taxation shall be avoided as follows:

a. Subject to the existing provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada and to any subsequent modification of those provisions - which shall not affect the general principle hereof - and unless a greater deduction or relief is provided under the laws of Canada, tax payable in Denmark on profits, income or gains arising in Denmark shall be deducted from any Canadian tax payable in respect of such profits, income or gains.

* * *

2. In the case of Denmark, double taxation shall be avoided as follows:

a. Subject to the provisions of subparagraph c), where a resident of Denmark derives income or owns capital which, in accordance with the provisions of this Convention may be taxed in Canada, Denmark shall allow ... as a deduction from the tax on the income of that resident an amount equal to the income tax paid in Canada; ...

b. Such deduction in either case shall not, however, exceed that part of the income tax or capital tax, as computed before the deduction is given, which is attributable, as the case may be, to the income or the capital which may be taxed in Canada.

c. Where a resident of Denmark derives income or owns capital which, in accordance with the provisions of this Convention, shall be taxable only in Canada, Denmark may include this income or capital in the tax base, but shall allow as a deduction from the income tax or capital tax that part of the income tax or capital tax, which is attributable, as the case may be, to the income derived from or the capital owned in Canada.

3. For the purposes of this Article, profits, income or gains of a resident of a Contracting State which may be taxed in the other Contracting State in accordance with this Convention shall be deemed to arise from sources in that other State.
Canada-Finland Income Tax Convention

Article 1 - Persons Covered

This Convention shall apply to persons who are residents of one or both of the Contracting States.

Article 2 - Taxes Covered

1. The existing taxes to which this Convention shall apply are:

   a) in the case of Canada: the income taxes imposed by the Government of Canada under the Income Tax Act, (hereinafter referred to as "Canadian tax"); and

   b) in the case of Finland:

      (i) the state income taxes;

      (ii) the corporate income tax;

      (iii) the communal tax;

      (iv) the church tax;

      (v) the tax withheld at source from interest; and

      (vi) the tax withheld at source from non-residents' income,

      (hereinafter referred to as "Finnish tax").

     * * *

Article 4 - Resident

1. For the purposes of this Convention, the term "resident of a Contracting State" means:

   a) any person who, under the laws of that State, is liable to tax therein by reason of the person's domicile, residence, place of management or any other criterion of a similar nature but does not include any person who is liable to tax in that State in respect only of income from sources in that State;

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then the individual's status shall be determined as follows:
a) the individual shall be deemed to be a resident only of the State in which the individual has a permanent home available; if the individual has a permanent home available in both States, the individual shall be deemed to be a resident only of the State with which the individual's personal and economic relations are closer (centre of vital interests);

b) if the State in which the individual's centre of vital interests is situated cannot be determined, or if there is not a permanent home available to the individual in either State, the individual shall be deemed to be a resident only of the State in which the individual has an habitual abode;

c) if the individual has an habitual abode in both States or in neither of them, the individual shall be deemed to be a resident only of the State of which the individual is a national; and

d) if the individual is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

* * *

**Article 14 - Income from Employment**

1. Subject to the provisions of Articles 15, 17 and 18, salaries, wages and other similar remuneration 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 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 calendar year concerned; and

   b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State; and

   c) the remuneration is not borne by a permanent establishment which the employer has in the other State.

* * *
Article 21 - Elimination of Double Taxation

1. In the case of Canada, double taxation shall be eliminated as follows:

   a) subject to the existing provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada and to any subsequent modification of those provisions - which shall not affect the general principle hereof - and unless a greater deduction or relief is provided under the laws of Canada, tax payable in Finland on profits, income or gains arising in Finland shall be deducted from any Canadian tax payable in respect of such profits, income or gains;
   
   ... and

   c) where in accordance with any provision of the Convention income derived by a resident of Canada is exempt from tax in Canada, Canada may nevertheless, in calculating the amount of tax on other income, take into account the exempted income.
Appendix 2
Selected Tax Treaty Provisions for Question 2

Canada – Australia Income Tax Convention

Article 1 – Personal Scope

This Convention shall apply to persons who are residents of one or both of the Contracting States.

* * *

Article 4 - Residence

1. Subject to paragraph 2, for the purposes of this Convention, a person is a resident of a Contracting State if that person is a resident of that State for the purposes of its tax. A Contracting State or any political subdivision or local authority thereof or any agency or instrumentality of any such State, subdivision or authority is also a resident of that State for the purposes of this Convention.

2. A person is not a resident of a Contracting State for the purposes of this Convention if the person is liable to tax in that State in respect only of income from sources in that State.

* * *

4. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then the person's status shall be determined as follows:

   a) it shall be deemed to be a resident of the Contracting State in which it is incorporated or otherwise constituted;

   b) if it is not incorporated or otherwise constituted in either of the Contracting States, it shall be deemed to be a resident of the Contracting State in which its place of effective management is situated.

* * *

Article 10 - Dividends

1. Dividends paid by a company which is a resident of one of the Contracting States for the purposes of its tax, being dividends to which a resident of the other Contracting State is beneficially entitled, may be taxed in that other State.
2. However, those dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident for the purposes of its tax, and according to the law of that State, but the tax so charged shall not exceed:

   a) (i) in the case of dividends paid by a company that is a resident of Australia for the purposes of its tax, 5 per cent of the gross amount of the dividends ... if a company that holds directly at least 10 per cent of the voting power of the company paying the dividends is beneficially entitled to those dividends ...

   * * *

Article 23 - Elimination of Double Taxation

   * * *

2. In the case of Canada, double taxation shall be avoided as follows:

   * * *

b) subject to the existing provisions of the law of Canada regarding the allowance as a credit against Canadian tax of tax payable in a territory outside Canada and to any subsequent modification of those provisions (which shall not affect the general principle hereof) where a company which is a resident of Australia pays a dividend to a company which is a resident of Canada and which controls directly or indirectly at least 10 per cent of the voting power in the first-mentioned company, the credit shall take into account the tax payable in Australia by that first-mentioned company in respect of the profits out of which such dividend is paid ...

Canada – Singapore Income Tax Convention

Article I – Personal Scope

This Convention shall apply to persons who are residents of one or both of the Contracting States.

   * * *

Article IV – Fiscal Domicile

1. For the purposes of this Agreement, the term “resident of a Contracting State” means any person who, under the law of that State, is liable to taxation therein by reason of his residence, place of management or any other criterion of a similar nature.
Article V - Permanent Establishment

1. For the purposes of this Convention, the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

* * *

Article VII - Business Profits

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on or has carried on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on or has carried on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.