



A New Tax System (Indirect Tax Administration) Act 1999

No. 59, 1999



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An Act to implement A New Tax System by providing for the administration of indirect taxes, and for related purposes

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An Act to implement A New Tax System by providing for the administration of indirect taxes, and for related purposes

[Assented to 8 July 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *A New Tax System (Indirect Tax Administration) Act 1999*.

2 Commencement

This Act commences immediately after the commencement of the *A New Tax System (Goods and Services Tax Administration) Act 1999*.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Taxation Administration Act 1953

1 Subsection 8AAB(5) (after table item 17)

Insert:

17A 40 *Taxation Administration Act 1953*

2 Part VI (heading)

Repeal the heading, substitute:

Part VI—Administration of the GST, wine equalisation tax and luxury car tax

3 Section 19

Repeal the section, substitute:

19 Overview

This Part sets out administrative provisions for the GST, the wine equalisation tax and the luxury car tax and should be read in conjunction with these Acts:

A New Tax System (Goods and Services Tax) Act 1999;

A New Tax System (Wine Equalisation Tax) Act 1999;

A New Tax System (Luxury Car Tax) Act 1999.

Other provisions of this Act can also affect the way these taxes are administered.

Example: It is an offence under section 8C to fail to notify the Commissioner of a change of address as required by subsection 67(2).

4 Subsection 20(1)

Insert:

indirect tax means any of these:

- (a) GST;
- (b) wine tax;
- (c) luxury car tax.

5 Subsection 20(1)

Insert:

indirect tax law means any of these:

- (a) the GST law;
- (b) the wine tax law;
- (c) the luxury car tax law.

6 Subsection 20(1)

Insert:

luxury car tax has the meaning given by section 27-1 of the Luxury Car Tax Act.

7 Subsection 20(1)

Insert:

Luxury Car Tax Act means the *A New Tax System (Luxury Car Tax) Act 1999*.

8 Subsection 20(1)

Insert:

luxury car tax law has the meaning given by section 27-1 of the Luxury Car Tax Act.

9 Subsection 20(1)

Insert:

wine tax has the meaning given by section 33-1 of the Wine Tax Act.

10 Subsection 20(1)

Insert:

Wine Tax Act means the *A New Tax System (Wine Equalisation Tax) Act 1999*.

11 Subsection 20(1)

Insert:

wine tax law has the meaning given by section 33-1 of the Wine Tax Act.

12 Subsection 22(2)

Omit “GST”, substitute “indirect tax”.

Note: The heading to section 22 is altered by omitting “GST” and substituting “**indirect tax**”.

13 Subsection 22(3) (note)

Omit “GST”, substitute “indirect tax”.

14 Subsection 23(1)

Omit “GST”, substitute “indirect tax”.

15 Subsection 24(1)

Omit “GST” (wherever occurring), substitute “indirect tax”.

Note: The heading to section 24 is altered by omitting “GST” and substituting “**Indirect tax**”.

16 Section 26

Omit “the GST law”, substitute “any indirect tax law”.

17 Section 26 (note)

Omit “GST”, substitute “indirect tax”.

18 Subsection 28(1)

Omit “GST”, substitute “indirect tax”.

Note: The heading to section 28 is altered by omitting “GST” and substituting “**indirect tax**”.

19 Paragraph 29(1)(b)

Omit “GST”, substitute “indirect tax”.

20 Section 30

Omit “GST”, substitute “indirect tax”.

Note: The heading to section 30 is altered by omitting “GST” and substituting “**indirect tax**”.

21 Subsection 31(1)

Omit “GST”, substitute “indirect tax”.

Note: The heading to section 31 is altered by omitting “GST” and substituting “**indirect tax**”.

22 Subsection 31(2) (paragraph (a) of the definition of *interest*)

Repeal the paragraph, substitute:

- (a) if the amount is a net amount—interest in:
 - (i) the taxable supplies, creditable acquisitions, creditable importations; and
 - (ii) the taxable dealings and wine tax credits; and
 - (iii) the taxable supplies of luxury cars;from which that amount is worked out; and

23 Subsection 31(2) (paragraph (b) of the definition of *interest*)

Omit “GST”, substitute “indirect tax”.

24 Subsection 31(2) (paragraph (b) of the definition of *interest*)

After “taxable importation”, insert “, customs dealing or taxable importation of a luxury car”.

25 At the end of section 31

Add:

- (4) In this section:

customs dealing has the meaning given by section 33-1 of the Wine Tax Act.

taxable dealing has the meaning given by section 33-1 of the Wine Tax Act.

taxable importation of a luxury car has the meaning given by section 27-1 of the Luxury Car Tax Act.

taxable supply of a luxury car has the meaning given by section 27-1 of the Luxury Car Tax Act.

wine tax credit has the meaning given by section 33-1 of the Wine Tax Act.

26 Subsection 32(1)

Omit “GST”, substitute “indirect tax”.

Note: The heading to section 32 is altered by omitting “GST” and substituting “**indirect tax**”.

27 Subsection 32(4)

Omit “GST” (second occurring), substitute “indirect tax”.

28 Subsection 32(4) (note)

Omit “GST”, substitute “indirect tax”.

29 Subsections 32(5) and 33(2)

Omit “GST”, substitute “indirect tax”.

Note: The heading to section 33 is altered by omitting “GST” and substituting “**indirect tax**”.

30 Subsection 34(1)

Omit “a GST debt (the *GST debtor*)”, substitute “an indirect tax debt (the *tax debtor*)”.

31 Subsections 34(2), (3) and (6)

Omit “GST”, substitute “tax”.

32 Subsection 34(7)

Omit “GST debt of the GST debtor”, substitute “indirect tax debt of the tax debtor”.

33 Subsection 34(8)

Omit “GST” (wherever occurring), substitute “tax”.

34 Subsection 34(10) (definition of *GST debt*)

Repeal the definition.

35 Subsection 34(10)

Insert:

indirect tax debt means any of the following amounts payable by an entity (whether or not the amount has become due for payment):

- (a) a net amount or amount of indirect tax;
- (b) penalty under this Part;
- (c) a judgment debt, or costs, for indirect tax or penalty under this Part;
- (d) a fine, or costs, that a court has imposed for an offence against an indirect tax law;
- (e) an amount that a court has ordered the entity to pay to the Commissioner, following conviction of the entity for an offence against an indirect tax law.

36 Section 35

Omit “GST” (wherever occurring), substitute “indirect tax”.

Note: The heading to section 35 is altered by omitting “GST” and substituting “indirect tax”.

37 Section 36

Repeal the section, substitute:

36 Time limit on credits and refunds

- (1) You are not entitled to:
 - (a) a refund under section 35-5 of the GST Act in respect of a particular tax period; or
 - (b) an input tax credit that is attributable to a particular tax period; or
 - (c) a wine tax credit the amount of which could have been included in a reduction of your net amount for a tax period under section 21-15 of the Wine Tax Act; or
 - (d) a refund, under subsection 39(1) of this Act, of an amount of indirect tax relating to an importation;

unless:

- (e) within 4 years after the end of the tax period, or after the making of the importation (as the case requires), you notify the Commissioner (in a GST return or otherwise) that you are entitled to the refund or credit; or
- (f) within that period the Commissioner notifies you (in a notice of assessment or otherwise) that you are entitled to the refund or credit; or
- (g) in the case of a credit—the credit is taken into account in working out a net amount that the Commissioner may

recover from you only because of paragraph 35(b) of this Act.

(2) In this section:

wine tax credit has the meaning given by section 33-1 of the Wine Tax Act.

38 Paragraph 37(1)(b)

Repeal the paragraph, substitute:

(b) relying on the previous ruling, you have underpaid a net amount or an amount of indirect tax, or the Commissioner has overpaid an amount under section 35-5 of the GST Act, in respect of one or more:

- (i) taxable supplies or taxable importations; or
- (ii) taxable dealings; or
- (iii) taxable supplies of luxury cars or taxable importations of luxury cars;

that happened before the alteration.

Note: The heading to section 37 is altered by omitting “GST” and substituting “**an indirect tax**”.

39 Paragraph 37(2)(a)

Omit “GST”, substitute “indirect tax”.

40 Subsection 37(4)

Insert:

taxable dealing has the meaning given by section 33-1 of the Wine Tax Act.

41 Subsection 37(4)

Insert:

taxable importation of a luxury car has the meaning given by section 27-1 of the Luxury Car Tax Act.

42 Subsection 37(4)

Insert:

taxable supply of a luxury car has the meaning given by section 27-1 of the Luxury Car Tax Act.

43 Paragraph 39(1)(a)

Omit “GST”, substitute “indirect tax”.

44 Section 40

Repeal the section, substitute:

40 Unpaid tax

- (1) If any of the indirect tax which a person is liable to pay remains unpaid after the time by which the tax is due to be paid, the person is liable to pay the general interest charge on the unpaid amount for each day in the period that:
- (a) started at the beginning of the day by which the tax was due to be paid; and
 - (b) finishes at the end of the last day on which, at the end of the day, any of the following remains unpaid:
 - (i) the tax;
 - (ii) general interest charge on any of the tax.

Note: The general interest charge is worked out under Division 1 of Part IIA of the *Taxation Administration Act 1953*.

- (2) In this section:

tax includes penalty under this Division.

45 After subsection 43(2)

Insert:

- (2A) You are liable to a penalty if you fail to give the Commissioner on time any information (other than information you are required to give in a GST return) on a dealing that you are required to give under the wine tax law. The penalty is equal to double the amount of wine tax payable on the dealing.
- (2B) You are liable to a penalty if you fail to give the Commissioner on time any information (other than information you are required to give in a GST return) on a supply or importation that you are required to give under the luxury car tax law. The penalty is equal

to double the amount of luxury car tax payable on the supply or importation.

46 Paragraph 46(1)(b)

Omit “the GST law”, substitute “an indirect tax law”.

47 Paragraphs 46(1)(c) and (d)

Omit “GST” (wherever occurring), substitute “indirect tax”.

48 Subsection 46(3) (definition of *tax officer*)

Omit “the GST law”, substitute “an indirect tax law”.

49 After section 46

Insert:

46A Indirect tax amending Acts cannot impose penalties etc. earlier than 28 days after Royal Assent

- (1) An indirect tax amending Act does not have the effect of making a person liable to an indirect tax penalty for any act or omission that happens before the postponed day.
- (2) If an indirect tax amending Act would (apart from this section) have the effect of making a person liable to an indirect tax penalty because the person contravened a requirement to do something:
 - (a) within a specified period ending before the postponed day; or
 - (b) before a specified time happening before the postponed day;the requirement has effect instead by reference to a period ending at the start of the postponed day, or by reference to the start of the postponed day, as the case requires.
- (3) This section does not relieve a person from liability to an indirect tax penalty to the extent to which the liability would have existed if the indirect tax amending Act had not been enacted.
- (4) In this section:

postponed day means the 28th day after the day on which the indirect tax amending Act receives the Royal Assent.

indirect tax amending Act means an Act that amends an indirect tax law.

indirect tax penalty means:

- (a) an offence against an indirect tax law; or
- (b) a penalty under Division 4 of this Part.

50 Subsection 47(1)

Omit “GST”, substitute “indirect tax”.

51 Subsection 48(1) (note)

Omit “GST”, substitute “indirect tax”.

52 At the end of section 48

Add:

- (4) This section does not apply to any amount of general interest charge.

53 Subsections 50(1), (2) and (3), 51(1) and (2), 52(1) and (2), 53(1) and (2), and 54(1) and (2)

Omit “the GST law”, substitute “an indirect tax law”.

54 Subsection 55(3)

Omit “*notified GST amount*”, substitute “*notified indirect tax amount*”.

55 Subsection 55(3)

Omit “GST” (last occurring), substitute “indirect tax”.

56 Subsection 55(5)

Omit “Notified GST amount” (wherever occurring), substitute “Notified indirect tax amount”.

57 Subsections 55(6) and (7)

Omit “GST”, substitute “indirect tax”.

58 Paragraph 55(7)(a)

Omit “GST”, substitute “indirect tax”.

59 Subsections 56(1), (2), (3) and (5), 57(1) and 58(1)

Omit “the GST law”, substitute “an indirect tax law”.

60 Subsections 58(3), (5) and (6)

Omit “GST”, substitute “indirect tax”.

61 Subsection 58(7)

Omit “GST” (first occurring), substitute “indirect tax”.

62 Paragraph 58(7)(a)

Omit “GST”, substitute “indirect tax”.

63 Section 60

Omit “the GST law”, substitute “an indirect tax law”.

64 Subsection 61(1)

Omit “the GST law”, substitute “an indirect tax law”.

65 Subsection 62(1)

Repeal the subsection, substitute:

- (1) If you are dissatisfied with:
- (a) a reviewable GST decision relating to you; or
 - (b) a reviewable wine tax decision relating to you; or
 - (c) a reviewable indirect tax decision relating to you;
- you may object against the decision in the manner set out in Part IVC.

Note: Subsection (2) lists reviewable GST decisions under the GST Act, subsection (2A) lists reviewable wine tax decisions under the Wine Tax Act and subsection (3) lists reviewable indirect tax decisions under this Part.

Note: The heading to section 62 is altered by adding at the end “, **reviewable wine tax decisions and reviewable indirect tax decisions**”.

66 After subsection 62(2)

Insert:

- (2A) Each of the following decisions is a *reviewable wine tax decision* under the Wine Tax Act.

Reviewable wine tax decisions under Wine Tax Act

Item	Decision	Provision of Wine Tax Act under which decision is made
1	refusing to register a person for wine tax	section 79
2	cancelling a person's registration for wine tax	subsection 80(1)
3	refusing to cancel a person's registration for wine tax	subsection 80(2)
4	disallowing the whole or part of a claim for a wine tax credit	section 60

67 Subsection 62(3)

Omit "*reviewable GST decision*", substitute "*reviewable indirect tax decision*".

68 Subsection 62(3) (table heading)

Omit "**Reviewable GST decisions**", substitute "**Reviewable indirect tax decisions**".

69 Subsection 62(3) (table item 3, 2nd column)

Omit "GST", substitute "indirect tax".

70 At the end of section 62

Add:

(4) In this section:

wine tax credit has the meaning given by section 33-1 of the Wine Tax Act.

71 After Division 7 of Part VI

Insert:

Division 7A—Effect of alterations to wine tax or luxury car tax laws

62A Alteration of contracts if cost of supplies etc. is affected by later alteration to wine tax or luxury car tax laws

- (1) If, after a contract involving a supply or a taxable dealing has been made, an alteration to the wine tax law or the luxury car tax law happens and the alteration directly causes an increase or decrease in the cost to a party to the agreement of complying with the agreement, then the contract is altered as follows:
 - (a) if the cost is increased—by allowing the party to add the increase to the contract price;
 - (b) if the cost is decreased—by allowing the other party to deduct the decrease from the contract price.
- (2) The contract is not altered if:
 - (a) the contract has express written provision to the contrary; or
 - (b) it is clear from the terms of the contract that the alteration of the wine tax law or the luxury car tax law has been taken into account in the agreed contract price.
- (3) In this section:

taxable dealing has the meaning given by section 33-1 of the Wine Tax Act.

72 Section 63

Omit “the GST law”, substitute “each indirect tax law”.

Note: The heading to section 63 is altered by omitting “GST law” and substituting “indirect tax laws”.

73 Subsections 64(1) and (2)

Omit “the GST law”, substitute “the indirect tax laws”.

74 Subsections 65(1), 66(1) and 67(1)

Omit “the GST law”, substitute “an indirect tax law”.

75 Paragraphs 67(1)(b) and (c)

Omit “the GST law”, substitute “an indirect tax law”.

76 Subsection 67(2)

Omit “GST”, substitute “indirect tax”.

77 Subsection 67(3)

Omit “the GST law”, substitute “an indirect tax law”.

78 Subsection 67(3)

Omit “GST” (last occurring), substitute “indirect tax”.

79 Paragraph 68(3)(a)

Omit “the GST law”, substitute “an indirect tax law”.

80 Subsection 68(5)

Omit “the GST law”, substitute “an indirect tax law”.

81 Subsection 68(6) (definition of *protected document*)

Omit “the GST law”, substitute “an indirect tax law”.

82 Subsection 68(6) (paragraph (c) of the definition of *protected information*)

Omit “the GST law”, substitute “an indirect tax law”.

83 Subsections 69(1) and (2)

Omit “the GST law”, substitute “an indirect tax law”.

84 Subsection 70(1)

Repeal the subsection, substitute:

(1) If you:

- (a) make a taxable supply, taxable importation, creditable acquisition or creditable importation; or
- (b) are liable for wine tax on a taxable dealing within the meaning of the Wine Tax Act, or are entitled to a wine tax credit within the meaning of that Act; or
- (c) make a taxable supply of a luxury car, or a taxable importation of a luxury car, within the meaning of the Luxury Car Tax Act;

you must:

- (d) keep records that record and explain all transactions and other acts you engage in that are relevant to that supply, importation, acquisition or dealing; and
- (e) retain those records for at least 5 years after the completion of the transactions or acts to which they relate.

Note: The heading to section 70 is altered by omitting “GST” and substituting “**indirect tax**”.

85 Paragraph 70(2)(b)

Omit “the GST law”, substitute “an indirect tax law”.

*[Minister’s second reading speech made in—
House of Representatives on 24 March 1999
Senate on 31 March 1999]*

(54/99)
