



Legislative Instrument

PAYG Withholding Variation: Variation of amount to be withheld from certain payments made by external administrators and trustees of bankrupt estates

I, Sally Jane Druhan, Deputy Commissioner of Taxation, make this determination under section 15-15 of Schedule 1 to the *Taxation Administration Act 1953*.

Sally Druhan
Deputy Commissioner of Taxation
Dated: 25 September 2015

1. Name of instrument

This determination is the *PAYG Withholding Variation: Variation of amount to be withheld from certain payments made by external administrators and trustees of bankrupt estates*

2. Commencement

This instrument commences on 1 October 2015.

3. Application

This instrument applies to a payment made by an external administrator or trustee of a bankrupt estate that is covered by Subdivisions 12-35, 12-85 and 12-90 of Schedule 1 to the *Taxation Administration Act 1953*, which accrued prior to the date on which the administrator or trustee was appointed, within the following categories:

- a. back payments of wages, including unpaid amounts of leave already taken and underpayment of wages over any period
- b. unused annual leave
- c. payment in lieu of notice
- d. redundancy pay, and

e. long service leave

Excluding any amounts to the extent they fall within the tax-free component of a genuine redundancy payment.

4. Amount to be withheld

The amount to be withheld from payments covered by this instrument is an amount equal to 34.5% of the total payment.

5. Definitions

An external administrator is a liquidator, receiver, receiver and manager, voluntary administrator (appointed under the *Corporations Act 2001*) or an administrator of a deed of company arrangement.