



Queensland

Taxation Administration Regulation 2012

Explanatory Notes for SL 2012 No. 134

made under the

Taxation Administration Act 2001

General outline

Short title

Taxation Administration Regulation 2012

Authorising law

Section 154 of the *Taxation Administration Act 2001*.

Policy objectives and the reasons for them

Under Part 7 of the *Statutory Instruments Act 1992*, the *Taxation Administration Regulation 2002* will automatically expire on 1 September 2012. The provisions contained in the *Taxation Administration Regulation 2002* remain necessary for the continued effective operation of the *Taxation Administration Act 2001*. In particular, it facilitates the operation of the *Taxation Administration Act 2001* by:

- prescribing the electronic payment methods for payments to the Commissioner;
- prescribing the rate of interest payable by taxpayers in certain circumstances;

- prescribing the rate of interest payable by the Commissioner in certain circumstances;
- prescribing the amount of tax the Commissioner may waive;
- prescribing laws for the purposes of reciprocal investigations and setting out the Commissioners for those laws;
- prescribing the expenses payable to a non-taxpayer required to attend before the Commissioner or an investigator; and
- setting out the circumstances in which a document is not taken to be given to all liable taxpayers when given to one of the liable taxpayers.

Achievement of policy objectives

The *Taxation Administration Regulation 2012* remakes the *Taxation Administration Regulation 2002*. A detailed review of the *Taxation Administration Regulation 2002* confirmed that minor consequential amendments were required to update or correct references. In particular, a number of consequential amendments have been made to reflect changes in legislation referred to in the regulation. Changes have also been made to reflect current drafting practices.

Consistency with policy objectives of authorising law

The *Taxation Administration Regulation 2012* is consistent with the main objects of the *Taxation Administration Act 2001*.

Schedule 1 prescribes recognised laws for the purposes of cross border investigations conducted by interstate revenue authorities. Amendments to update the recognised laws will assist in these investigations. In particular, the references to laws that were repealed more than ten years ago have, in consultation with interstate revenue authorities, now been removed.

Further, the *Taxation Administration Regulation 2012* reflects current legislative drafting practices.

Inconsistency with policy objectives of other legislation

Not applicable.

Benefits and costs of implementation

Renewal of the regulation will provide taxpayers with continued certainty in the operation of revenue laws and assist in the effective operation of the *Taxation Administration Act 2001*.

Implementing the *Taxation Administration Regulation 2012* will not result in an increase in costs for Government as administration will remain subject to existing processes, systems and staffing.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

The Regulatory Review Branch was consulted regarding the need to prepare a Regulatory Assessment Statement (RAS).

The Regulatory Review Branch advised that, with regard to the obligations imposed by Part 5 of the *Statutory Instruments Act 1992* and the RAS System, the *Taxation Administration Regulation 2012* is excluded from the RAS system, as it renews an existing regulation and makes consequential amendments only.

Interstate revenue authorities were consulted concerning currency of recognised laws under Schedule 1, in particular those laws which had been repealed over 10 years ago. Schedule 1 was updated in accordance with the responses received from these jurisdictions.

No other consultation was considered necessary.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is Queensland Treasury and Trade.