



Taxation Administration Act 2001

Taxation Administration Regulation 2012

Current as at 9 December 2016



Queensland

Taxation Administration Regulation 2012

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Taxation Administration Regulation 2012

1 Short title

This regulation may be cited as the *Taxation Administration Regulation 2012*.

2 Commencement

This regulation commences on 2 September 2012.

3 Definitions

In this regulation—

bank bill yield rate, for a particular day, means the monthly average yield of 90-day bank accepted bills published by the Reserve Bank of Australia for—

- (a) if the day is on or after 1 March 2002 but before 1 July 2003—May 2001; or
- (b) if the day is on or after 1 July 2003—the month of May in the financial year immediately preceding the financial year in which the day occurs.

Editor's note—

The monthly average yield for 90-day bank accepted bills is published by the Reserve Bank of Australia and can be accessed on the internet at <www.rba.gov.au>.

BPAY facility means a facility by that name offered by BPAY Pty Limited ACN 079 137 518.

duty means a duty imposed under the *Duties Act 2001*.

payroll tax means payroll tax chargeable under the *Payroll Tax Act 1971*, section 10.

4 Prescribed method of payment—Act, s 29

- (1) For section 29(1)(b) of the Act, the following amounts payable under a tax law may be paid to the commissioner using an electronic payment method—

- (a) duty;
- (b) payroll tax;
- (c) land tax;
- (d) penalty tax and unpaid tax interest payable in relation to duty, payroll tax or land tax;
- (e) a cost or expense under section 117 of the Act;
- (f) a cost under the *Duties Act 2001*, section 505;
- (g) a self assessor penalty;
- (h) a fee under a regulation made under the *Duties Act 2001* or the *Land Tax Act 2010*.

(2) In this section—

electronic payment method means—

- (a) payment by electronic funds transfer; or
- (b) payment by direct debit; or
- (c) payment by BPAY facility; or
- (d) if, under an assessment notice relating to 1 or more of the amounts mentioned in subsection (1)(a), (b), (c) and (d), the amount assessed is at least \$10 but not more than \$50000—payment by Visa or MasterCard credit card; or
- (e) if the amount mentioned in subsection (1)(e), (f), (g) or (h) is at least \$10 but not more than \$50000—payment by Visa or MasterCard credit card.

land tax means land tax levied under the *Land Tax Act 2010*, section 6 or the repealed *Land Tax Act 1915*, section 8.

self assessor penalty means a penalty payable by a self assessor under the *Duties Act 2001*, section 488.

5 Electronic payment—Act, s 29A

For the Act, section 29A(4), definition *prescribed electronic way*, each of the following is an electronic way—

- (a) electronic funds transfer;

- (b) direct debit;
- (c) BPAY facility.

6 Interest rate for general refunds—Act, s 39

For section 39(4)(b) of the Act, the prescribed rate of interest is an annual rate equal to the sum of the bank bill yield rate, rounded to the nearest second decimal point, and 8%.

6A When payments are received—Act, s 40

- (1) For section 40(1)(b) of the Act, the time prescribed is when the payment is credited to an account, with a financial institution, operated by the commissioner in the performance of the commissioner's functions under section 8 of the Act.
- (2) However, if the payment is later dishonoured, the payment is taken not to have been received by the commissioner.

7 Waiver of tax law liability—Act, s 43

For section 43(1) of the Act, the amount prescribed is \$20.00.

8 Unpaid tax interest—Act, s 54

- (1) For section 54(2) of the Act, the prescribed rate of unpaid tax interest is an annual rate equal to the sum of the bank bill yield rate, rounded to the nearest second decimal point, and 8%.
- (2) For section 54(2A)(a) of the Act, the day of the week is Sunday.

9 Interest rate for overpayments—Act, ss 61 and 61A

For sections 61(3) and 61A(3) of the Act, the prescribed rate of interest is an annual rate equal to the bank bill yield rate, rounded to the nearest second decimal point.

10 Recognised laws—Act, s 78

A law stated in the schedule is a recognised law for the Act.

11 Corresponding commissioner for recognised laws—Act, s 78

- (1) The corresponding commissioner for the recognised laws stated in the schedule, other than for parts 1 and 6, is as follows—
 - (a) for part 2—the Commissioner for Australian Capital Territory Revenue under the *Taxation Administration Act 1999* (ACT);
 - (b) for part 3—the Chief Commissioner, or Commissioner of State Revenue, under the *Taxation Administration Act 1996* (NSW);
 - (c) for part 4—the Commissioner of Territory Revenue under the *Taxation Administration Act 2007* (NT);
 - (d) for part 5—the Commissioner of State Taxation under the *Taxation Administration Act 1996* (SA);
 - (e) for part 7—the Commissioner of State Revenue under the *Taxation Administration Act 1997* (Vic);
 - (f) for part 8—the Commissioner of State Revenue appointed under the *Public Sector Management Act 1994* (WA).
- (2) The corresponding commissioner for a recognised law stated in the schedule, part 1, is as follows—
 - (a) for the *Customs Act 1901* (Cwlth)—the Chief Executive Officer of Customs under that Act and the Commissioner of Taxation under the *Taxation Administration Act 1953* (Cwlth);
 - (b) for all other laws—the Commissioner of Taxation under the *Taxation Administration Act 1953* (Cwlth).
- (3) The corresponding commissioner for a recognised law stated in the schedule, part 6, is as follows—

- (a) for the repealed *Stamp Duties Act 1931* (Tas)—the person performing the functions and duties, and exercising the powers, of the Commissioner of Stamp Duties under that Act;
- (b) for all other laws—the Commissioner of State Revenue under the *Taxation Administration Act 1997* (Tas).

12 Expenses for attendance—Act, s 88

- (1) The following expenses are prescribed for section 88(7) of the Act—
 - (a) the expenses incurred by a person for—
 - (i) travelling to and from the place the person is required to attend; or
 - (ii) accommodation and meals if the person is necessarily absent from the person's place of residence to attend the place the person is required to attend;
 - (b) any loss of earnings or additional expenses incurred by a person during the person's absence from the person's place of residence to attend the place the person is required to attend.
- (2) The amount of the expenses to be paid to the person is the amount payable under the *Uniform Civil Procedure (Fees) Regulation 2009*, part 4, as—
 - (a) for expenses mentioned in subsection (1)(a)(i)—a travelling allowance; and
 - (b) for expenses mentioned in subsection (1)(a)(ii)—an accommodation allowance; and
 - (c) for expenses mentioned in subsection (1)(b)—an attendance allowance.
- (3) For subsection (2), a reference in the *Uniform Civil Procedure (Fees) Regulation 2009*, part 4, to the court is taken to be a reference to the place the person is required to attend.

13 Non-application of s 147 of Act

- (1) Section 147(1) of the Act does not apply to a taxpayer if the taxpayer is not required to pay the tax for an instrument, transaction or matter under—
 - (a) an agreement between the taxpayers liable to pay the tax for the instrument, transaction or matter; or
 - (b) an Act relating to the instrument, transaction or matter; or
 - (c) a court order or decision of QCAT.
- (2) Subsection (1)(a) does not apply to the payment of payroll tax by a taxpayer.

Schedule **Recognised laws**

section 10

Part 1 **Commonwealth**

Child Support (Assessment) Act 1989

Child Support (Registration and Collection) Act 1988

Customs Act 1901

Debits Tax Administration Act 1982 (repealed)

*Diesel and Alternative Fuels Grants Scheme Act 1999
(repealed)*

Excise Act 1901

Fringe Benefits Tax Assessment Act 1986

Fuel Sales Grants Act 2000 (repealed)

Income Tax Assessment Act 1936

Income Tax Assessment Act 1997

International Tax Agreements Act 1953

Petroleum Resource Rent Tax Assessment Act 1987

Product Grants and Benefits Administration Act 2000

Sales Tax Assessment Act 1992 (repealed)

Sales Tax Procedure Act 1934 (repealed)

Superannuation Guarantee (Administration) Act 1992

Taxation Administration Act 1953

*Taxation (Interest on Overpayments and Early Payments) Act
1983*

Taxation (Interest on Underpayments) Act 1986 (repealed)

*Taxation (Unpaid Company Tax) Assessment Act 1982
(repealed)*

Tobacco Charges Assessment Act 1955 (repealed)

Trust Recoupment Tax Assessment Act 1985

Wool Tax (Administration) Act 1964 (repealed)

Part 2 Australian Capital Territory

Debits Tax Act 1997 (repealed)

Duties Act 1999

Financial Institutions Duty Act 1987 (repealed)

Gaming Machine Act 1987 (repealed)

Gaming Machine Act 2004

Payroll Tax Act 1987 (repealed)

Payroll Tax Act 2011

Taxation Administration Act 1999

Part 3 New South Wales

Debits Tax Act 1990 (repealed)

Duties Act 1997

Health Insurance Levies Act 1982

Land Tax Act 1956

Land Tax Management Act 1956

Pay-roll Tax Act 1971 (repealed)

Payroll Tax Act 2007

Petroleum Products Subsidy Act 1997 (repealed)

Premium Property Tax Act 1998 (repealed)

Stamp Duties Act 1920 (repealed)

Taxation Administration Act 1996

Part 4 **Northern Territory**

Business Franchise Act 1981 (repealed)

Debits Tax Act 1990 (repealed)

Energy Resource Consumption Levy Act 1985 (repealed)

Financial Institutions Duty Act 1989 (repealed)

Fuel Subsidies Act 1998 (repealed)

Pay-roll Tax Act 1978 (repealed)

Payroll Tax Act 2009

Stamp Duty Act 1978

Taxation (Administration) Act 1978 (repealed)

Taxation Administration Act 2007

Part 5 **South Australia**

Debits Tax Act 1994

Financial Institutions Duty Act 1983

Land Tax Act 1936

Pay-roll Tax Act 1971 (repealed)

Payroll Tax Act 2009

Petroleum Products Regulation Act 1995

Stamp Duties Act 1923

Taxation Administration Act 1996

Part 6 **Tasmania**

Debits Duties Act 2001 (repealed)

Duties Act 2001

Land Tax Act 2000

Pay-roll Tax Act 1971 (repealed)

Payroll Tax Act 2008

Stamp Duties Act 1931 (repealed)

Taxation Administration Act 1997

Part 7 **Victoria**

Business Franchise (Petroleum Products) Act 1979

Business Franchise (Tobacco) Act 1974 (repealed)

Debits Tax Act 1990 (repealed)

Duties Act 2000

Financial Institutions Duty Act 1982 (repealed)

Land Tax Act 1958 (repealed)

Land Tax Act 2005

Pay-roll Tax Act 1971 (repealed)

Payroll Tax Act 2007

Stamps Act 1958 (repealed)

Taxation Administration Act 1997

Part 8 **Western Australia**

Debits Tax Assessment Act 1990 (repealed)

Debits Tax Assessment Act 2002 (repealed)

Duties Act 2008

Financial Institutions Duty Act 1983 (repealed)

Fuel Suppliers Licensing Act 1997 (repealed)

Land Tax Act 2002

Land Tax Assessment Act 1976 (repealed)

Land Tax Assessment Act 2002

Pay-roll Tax Assessment Act 1971 (repealed)

Pay-roll Tax Act 2002

Pay-roll Tax Assessment Act 2002

Stamp Act 1921

Taxation Administration Act 2003

Tobacco Sellers Licensing Act 1975 (repealed)

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations
- 6 Information about retrospectivity

2 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|-------------|---------------------------------------|---------------|----------------------------|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amd | = amendment | prov | = provision |
| t | | | |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renu | = renumbered |
| | | m | |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro | = retrospectively |
| | |) | |
| notf | = notified | rv | = revised version |
| d | | | |
| num | = numbered | s | = section |

| Key | Explanation | Key | Explanation |
|---------------|---------------------------|----------------|--|
| o in c | = order in council | sch | = schedule |
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum m | = unnumbered |
| prev | = previous | | |

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| Reprint No. | Amendments included | Effective | Notes |
|--------------------|----------------------------|------------------|--------------|
| 1 | none | 2 September 2012 | |

| Current as at | Amendments included | Notes |
|----------------------|----------------------------|--------------|
| 11 June 2015 | 2015 SL No. 45 | |
| 9 December 2016 | 2016 Act No. 64 | |

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Taxation Administration Regulation 2012 SL No. 134

made by the Governor in Council on 23 August 2012

notfd gaz 24 August 2012 pp 1065–6

ss 1–2 commenced on date of notification

remaining provisions commenced 2 September 2012 (see s 2)

[exp 1 September 2022](#) (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
amending legislation—

Revenue Legislation Amendment Regulation (No. 1) 2015 SL No. 45 ss 1, 2(3), pt 7

notfd <www.legislation.qld.gov.au> 26 June 2015

ss 1–2 commenced on date of notification

remaining provisions commenced 11 June 2015 (see s 2(3))

Revenue and Other Legislation Amendment Act 2016 No. 64 s 1, pt 10

date of assent 9 December 2016

commenced on date of assent

5 List of annotations

When payments are received—Act, s 40

s 6A ins 2016 Act No. 64 s 78

Interest rate for overpayments—Act, ss 61 and 61A

s 9 amd 2015 No. 45 s 18 (retro)

6 Information about retrospectivity

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. From mid-2013 any retrospective amendment that has not been consolidated is noted on the cover page.

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