



AUSTRALIAN CAPITAL TERRITORY

## Taxation Administration Amendment Act 2000

No 47 of 2000

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### **An Act to amend the *Taxation Administration Act 1999***

*[Notified in ACT Gazette No. 39: 28 September 2000]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Taxation Administration Amendment Act 2000*.

**2 Commencement**

This Act commences on the day it is notified in the Gazette.

**3 Act amended**

This Act amends the *Taxation Administration Act 1999*.

**4 Interest rate**

Section 26 is amended—

- (a) by omitting paragraph (2) (a) and substituting the following paragraph:

“(a) unless an order is in force under paragraph (b), the Treasury Note yield rate rounded to the 2nd decimal place (with 0.005 rounded to 0.01); or”; and

(b) by inserting after subsection (2) the following subsection:

“(2A) For paragraph (2) (a), the *Treasury Note yield rate* for a day is the weighted average yield set at the last weekly tender for the 13 week Treasury Note before—

- (a) if the day is a day in the 1st 6 months of a year—the end of November in the previous year; or
- (b) if the day is a day in the 2nd 6 months of a year—the end of May in the year.”.

## 5 Repeal

Section 27 is repealed.

## 6 Amount of penalty tax

Section 31 is amended by inserting after subsection (1) the following subsections:

“(1A) The amount of penalty tax payable in respect of a tax default is 50% of the amount of tax unpaid if the commissioner is satisfied that the tax default was caused wholly or partly by a failure by the taxpayer (or a person acting on behalf of the taxpayer) to take reasonable care to fulfil the taxpayer’s obligations under a tax law.

“(1B) Subsection (1A) does not apply if the tax payer satisfies the commissioner that the taxpayer (or a person acting on behalf of the taxpayer) had a reasonable excuse for the failure.

“(1C) Subsections (1A) and (1B) apply to a tax default that happened before their commencement in the same way as they apply to a tax default that happened after their commencement.”.

**7 Substitution**

The note following section 34 is omitted and the following note substituted:

*Note* The following table contains a summary of the effect of sections 31 to 34:

**Rates of penalty tax**

	basic rate	disclosure before investigation begins		intentional disregard for tax law
		before notification	after notification	
failure to take reasonable care	25%	5%	20%	90%
failure to take reasonable care and no reasonable excuse	50%	10%	40%	90%
intentional disregard of the law	75%	15%	60%	90%

**8 Repeal**

Section 35 is repealed.

**9 Insertion**

After section 139A the following section is inserted:

**“139B Application—amendment by the Taxation Administration Amendment Act 2000**

“(1) Despite subsection 31 (1C), subsections 31 (1A) and 31 (1B) do not apply to a liability to pay penalty tax under Division 2 of Part 5 if an assessment in respect of the liability was issued before subsections 31 (1A) and 31 (1B) commenced.

“(2) This section expires 2 years after it commences.”.

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**Endnote**

**Act amended**

- 1 Republished as in force on 31 July 2000 (Republication No 1). See also Acts 1999 Nos 66 and 76; 2000 No 16.

*[Presentation speech made in Assembly on 29 June 2000*

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