

First print



New South Wales

State Revenue Legislation Further Amendment Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the following Acts:

Duties Act 1997

First Home Owner Grant Act 2000

Land Tax Management Act 1956

Pay-roll Tax Act 1971

Stamp Duties Act 1920

Taxation Administration Act 1996

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision giving effect to the amendments to the *Duties Act 1997* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *First Home Owner Grant Act 2000* set out in Schedule 2.

Clause 5 is a formal provision giving effect to the amendments to the *Land Tax Management Act 1956* set out in Schedule 3.

Clause 6 is a formal provision giving effect to the amendments to the *Pay-roll Tax Act 1971* set out in Schedule 4.

Clause 7 is a formal provision giving effect to the amendments to the *Stamp Duties Act 1920* set out in Schedule 5.

Clause 8 is a formal provision giving effect to the amendments to the *Taxation Administration Act 1996* set out in Schedule 6.

Schedule 1 Amendment of Duties Act 1997

Concession for transfer of property to a related person

A purchaser under an agreement for sale can elect to have the property transferred from the vendor to a person who is “related” (as defined in the Act) to the purchaser without paying ad valorem duty on the transfer. This concession is capable of being abused by a person who stamps the transfer after settlement of the contract but before registration of the transfer at the Land Titles Office. **Schedule 1 [1]** limits the concession in two ways. First, it provides that the transfer must occur contemporaneously with the completion or settlement of the agreement. Secondly, if a purchaser buys on trust for the “real” purchaser who has provided the money for the purchase, the concession for a transfer to a related person can only apply to a transfer from the vendor to a person who is related to the “real” purchaser (and not a person who is related to the “apparent” purchaser).

Dutiable value of partnership interests and partitions

A transfer of an interest in a partnership or a partition of property may involve dutiable property as well as non-dutiable property (including property outside New South Wales). In calculating duty, the dutiable value is determined on the value of the dutiable property as a proportion of all the property. Some types of business assets, such as the goodwill of a business, may also be apportioned between New South Wales and other jurisdictions. However, apportionment does not presently apply if the business assets are partnership property, or are subject to a partition. The Act is to be amended to remove this anomaly. **Schedule 1 [2]** makes the amendment in relation to partnership interests and **Schedule 1 [3]** in relation to partitions.

Transfer of interests in land-rich companies that are limited by guarantee

The land-rich provisions in Chapter 3 of the Act impose duty on certain share and unit acquisitions in private companies or private unit trust schemes that would entitle the holder to more than 50% of the property of the company or trust in the event of a distribution of all its property. A person who acquires a controlling interest in a company limited by guarantee is not currently subject to the land-rich provisions as, under the *Corporations Law*, these companies cannot issue shares. **Schedule 1 [4]** provides that an interest in a company limited by guarantee can be acquired by becoming a member of the company, removing a person from membership of the company, or altering members' rights.

Hardship cases

Schedule 1 [6] repeals Part 4 of Chapter 12 of the Act (which constituted a Board of Review to consider the waiver of duty in hardship cases) as a consequence of the constitution of the Hardship Review Board under the *Taxation Administration Act 1996* by **Schedule 6 [3]** and replaces the Part with provisions that complement those to be inserted into the *Taxation Administration Act 1996* by **Schedule 6 [3]**.

Commercial plant nurseries

Schedule 1 [8] makes an amendment to the definition of *land used for primary production* in the Dictionary to the Act relating to commercial plant nurseries as a consequence of the amendment made by **Schedule 3 [1]** to the *Land Tax Management Act 1956*.

First Home Plus

First Home Plus provides a duty exemption or concession for first home buyers. It is subject to limits on the value of the property, and different limits apply to the metropolitan area and other areas. As from 1 July 2000, *First Home Plus* has been administered on the basis that it applies to the local government areas of Newcastle and Lake Macquarie in the same way as it applies to the metropolitan area of Sydney. This increases the property limit for exemption in these areas from \$175,000 to \$200,000, with a phased concession up to \$300,000. **Schedule 1 [9]** amends the definition of *Metropolitan Area* in the Dictionary to the Act to this effect.

Savings, transitional and other provisions

Schedule 1 [7] enables the making of regulations of a savings or transitional nature as a consequence of the enactment of the proposed Act.

Schedule 2 Amendment of First Home Owner Grant Act 2000

Schedule 2 [1] amends the definition of *permanent resident* in the Act to make it clear that New Zealand citizens who reside in Australia are eligible for a First Home Owner Grant.

Schedule 2 [2] removes a potential anomaly that could inadvertently prevent an applicant from receiving a grant. Under the Act at present, an applicant for a grant must be the owner of the land on which the home is, or is being, built or must become the owner of the land when the building of the home is completed. In some instances this may not be the case. For example, a person may build a home on a rural property owned by his or her parents. The amendment gives the Chief Commissioner a discretion to recognise such persons to be eligible applicants.

Schedule 3 Amendment of Land Tax Management Act 1956

Commercial plant nurseries

Land used for primary production is exempt from land tax. The definition of *land used for primary production* in the Act includes a “nursery” which, in turn, is defined by reference to the *Horticultural Stock and Nurseries Act 1969*. The

Horticultural Stock and Nurseries Act 1969 is proposed to be repealed in the near future. In anticipation of the repeal, **Schedule 3 [1]** amends the definition of *land used for primary production* to preserve its effect.

Land owned by Sydney Harbour Foreshore Authority

The functions of the Sydney Cove Redevelopment Authority and the land owned by it passed to the Sydney Harbour Foreshore Authority on 1 February 1999. Some changes in land tax liability occurred in relation to certain leasehold land as a consequence. **Schedule 3 [2]** seeks to reinstate, in relation to a lessee of land owned by the Sydney Harbour Foreshore Authority and irrespective of when the lease was entered into, the test as to liability that existed prior to 1 February 1999.

Limit of exemption for public garden, public recreation ground or public reserve

An owner of land is entitled to an exemption from land tax if the owner uses the land solely as a site for a public garden, public recreation ground or public reserve. A recent Supreme Court decision (*Evatt v Chief Commissioner of Land Tax* [1999] NSWSC 1317) indicates that a private owner of land may qualify for the exemption in respect of the garden of a dwelling by opening it to the public, even if a fee is charged for operating and maintenance costs. It is proposed to provide that the exemption will not apply if the land is owned by a natural person, or is held in trust by a natural person for either another natural person or a body that, if dissolved, would result in some or all of the land vesting in one or more of the members, or former members, of the body. **Schedule 3 [4]** makes the principal amendment and **Schedule 3 [3]** makes a consequential amendment.

Related companies

Schedule 3 [5] amends the provisions of the Act concerning the land tax liability of related companies to provide that if two or more related companies are liable to land tax (whether assessed separately or jointly), each company is liable jointly and severally to pay the tax.

Schedule 3 [6] applies section 45 of the *Taxation Administration Act 1996* to an amount of land tax payable by a related company. Section 45 of the *Taxation Administration Act 1996* is to be amended by **Schedule 6 [1]** to the proposed Act. Section 45, as amended, will provide that the liability of a person (which includes a corporation) to pay an amount of tax also includes a liability to pay any interest, penalty tax and costs and expenses associated with the recovery of the tax. Section 45, as amended, will also give a corporation that pays an amount in accordance with the section such rights of contribution or indemnity from related corporations as are just.

Hardship cases

Schedule 3 [7] repeals sections 50–53 of the Act (which constituted a Board to consider the waiver of land tax in hardship cases) as a consequence of the constitution of the Hardship Review Board under the *Taxation Administration Act 1996* by **Schedule 6 [3]** and replaces those sections with provisions that complement those to be inserted into the *Taxation Administration Act 1996* by **Schedule 6 [3]**.

Savings, transitional and other provisions

Schedule 3 [8] enables the making of regulations of a savings or transitional nature as a consequence of the enactment of the proposed Act.

Schedule 4 Amendment of Pay-roll Tax Act 1971

Members of a group

Schedule 4 [3] inserts proposed section 16LA into the Act. The section will enable the recovery of pay-roll tax, in the case of a group, from any member of the group and not just from a member that pays wages. The section also applies section 45 of the *Taxation Administration Act 1996* to an amount of pay-roll tax payable by a group member. Section 45 of the *Taxation Administration Act 1996* is to be amended by **Schedule 6 [1]** to the proposed Act. Section 45, as amended, will provide that the liability of a group member to pay an amount of tax also includes a liability to pay any interest, penalty tax and costs and expenses associated with the recovery of the tax. Section 45, as amended, will also give a group member who pays an amount in accordance with the section such rights of contribution or indemnity from other group members as are just.

Schedule 4 [1] and **[2]** make consequential amendments.

Hardship cases

Schedule 4 [4] repeals Part 6 of the Act (which constituted a Board of Review to consider the waiver, deferral and writing off of pay-roll tax in hardship cases) as a consequence of the constitution of the Hardship Review Board under the *Taxation Administration Act 1996* by **Schedule 6 [3]** and replaces those sections with provisions that complement those to be inserted into the *Taxation Administration Act 1996* by **Schedule 6 [3]**.

Savings, transitional and other provisions

Schedule 4 [5] enables the making of regulations of a savings or transitional nature as a consequence of the enactment of the proposed Act.

Schedule 5 Amendment of Stamp Duties Act 1920

Hardship cases

Schedule 5 [1] repeals Division 2 of Part 2 of the Act (which enabled the Board of Review constituted under Part 4 of Chapter 12 of the *Duties Act 1997* to exercise its functions in relation to stamp duty) as a consequence of the constitution of the Hardship Review Board under the *Taxation Administration Act 1996* by **Schedule 6 [3]** and replaces those sections with provisions that complement those to be inserted into the *Taxation Administration Act 1996* by **Schedule 6 [3]**.

Exemption from financial institutions duty

Schedule 5 [2] provides an exemption from payment of financial institutions duty, with effect from 1 July 2000, on the receipt of certain Commonwealth Government social security benefits, namely, a benefit or allowance under the *A New Tax System (Family Assistance) Act 1999* and a bonus payment under the *A New Tax System (Bonuses for Older Australians) Act 1999*.

Savings, transitional and other provisions

Schedule 5 [3] enables the making of regulations of a savings or transitional nature as a consequence of the enactment of the proposed Act.

Schedule 6 Amendment of Taxation Administration Act 1996

Liability of and between persons (including corporations)

Schedule 6 [1] amends section 45 of the Act. Section 45, as amended, will provide that the liability of a person (which includes a corporation) to pay an amount of tax also includes a liability to pay any interest, penalty tax and costs and expenses associated with the recovery of the tax. Section 45, as amended, will also give a person who pays an amount in accordance with the section such rights of contribution or indemnity from related persons as are just. The section is intended to consolidate similar provisions in other taxation laws and to strengthen them.

Hardship cases

Schedule 6 [3] inserts proposed Division 5 (containing sections 106A–106D) into Part 10 of the Act. The Division constitutes the Hardship Review Board and specifies its functions. Section 106A provides that the Board is to consist of the Chief Commissioner of State Revenue, the Auditor-General and the Secretary of the Treasury. Section 106B enables the Board to waive the payment of tax payable under a taxation law in cases of serious hardship. *Tax* is given an extended meaning by the section so as to include interest and penalty tax and costs and expenses of the Chief Commissioner. Section 106C enables the deferral and writing off of tax. Section 106D enables the Board, a member of the Board, or a person otherwise engaged in the administration of Division 5 to disclose information obtained in the course of the administration of that Division to a taxation officer.

Schedule 6 [2] makes a consequential amendment that allows a taxation officer to disclose information obtained in the administration of a taxation law to the Hardship Review Board.

Savings, transitional and other provisions

Schedule 6 [4] enables the making of regulations of a savings or transitional nature as a consequence of the enactment of the proposed Act.



New South Wales

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New South Wales

State Revenue Legislation Further Amendment Bill 2000

No. , 2000

A Bill for

An Act to make miscellaneous amendments to certain State revenue legislation;
and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>State Revenue Legislation Further Amendment Act 2000</i> .	3 4
2 Commencement	5
(1) This Act commences on the date of assent, except as provided by this section.	6 7
(2) Schedule 1 [9], 2 [1] and 5 [2] are taken to have commenced on 1 July 2000.	8 9
3 Amendment of Duties Act 1997 No 123	10
The <i>Duties Act 1997</i> is amended as set out in Schedule 1.	11
4 Amendment of First Home Owner Grant Act 2000 No 21	12
The <i>First Home Owner Grant Act 2000</i> is amended as set out in Schedule 2.	13 14
5 Amendment of Land Tax Management Act 1956 No 26	15
The <i>Land Tax Management Act 1956</i> is amended as set out in Schedule 3.	16 17
6 Amendment of Pay-roll Tax Act 1971 No 22	18
The <i>Pay-roll Tax Act 1971</i> is amended as set out in Schedule 4.	19
7 Amendment of Stamp Duties Act 1920 No 47	20
The <i>Stamp Duties Act 1920</i> is amended as set out in Schedule 5.	21
8 Amendment of Taxation Administration Act 1996 No 97	22
The <i>Taxation Administration Act 1996</i> is amended as set out in Schedule 6.	23 24

Schedule 1	Amendment of Duties Act 1997	1
	(Section 3)	2
[1]	Section 18 No double duty	3
	Omit section 18 (3) (c). Insert instead:	4
	(c) the transfer occurs at the same time as, or proximately with, the completion or settlement of the agreement, and	5 6
	(d) at the time the agreement was entered into:	7
	(i) the purchaser under the agreement and the transferee under the transfer were related persons, except as provided by subparagraph (ii), or	8 9 10 11
	(ii) if the purchaser purchased as a trustee, the transferee and the beneficiary were related persons.	12 13 14
[2]	Section 29 Partnership interests	15
	Insert at the end of section 29:	16
	(2) For the purposes of this section and despite subsection (1), the unencumbered value of dutiable property that is a business asset to which section 28 applies is the dutiable value of the business asset determined in accordance with section 28.	17 18 19 20
[3]	Section 30 Partitions	21
	Insert after section 30 (3):	22
	(3A) For the purposes of this section and despite subsection (3), the unencumbered value of dutiable property that is a business asset to which section 28 applies is the dutiable value of the business asset determined in accordance with section 28.	23 24 25 26
[4]	Section 112 How may an interest be “acquired”?	27
	Insert at the end of section 112 (d):	28
	, or	29

State Revenue Legislation Further Amendment Bill 2000

Schedule 1 Amendment of Duties Act 1997

(e)	in the case of a company limited by guarantee, becoming a member of the company, removing a person from membership of the company or altering members' rights,	1 2 3 4
[5]	Section 112	5
	Omit "paragraphs (a), (b), (c) and (d)".	6
	Insert instead "paragraphs (a), (b), (c), (d) and (e)".	7
[6]	Chapter 12, Part 4	8
	Omit the Part. Insert instead:	9
	Part 4 Hardship Review Board	10
	310 Waiver, deferral and writing off of duty in hardship cases	11
	The Hardship Review Board constituted under Division 5 of Part 10 of the <i>Taxation Administration Act 1996</i> may exercise its functions in relation to duty payable under this Act.	12 13 14
	311 Notation by Chief Commissioner in cases of waiver	15
	If the Hardship Review Board waives the payment of duty, the Chief Commissioner must make such notation on the instrument in respect of which the duty is waived as the Chief Commissioner thinks fit and the instrument, on the making of the notation, is taken to have been duly stamped.	16 17 18 19 20
[7]	Schedule 1 Savings, transitional and other provisions	21
	Insert " <i>State Revenue Legislation Further Amendment Act 2000</i> " at the end of clause 1 (1) of Schedule 1.	22 23

[8] Dictionary	1
Omit paragraph (d) of the definition of <i>land used for primary production</i> .	2
Insert instead:	3
(d) a commercial plant nursery, but not including a nursery at which the principal cultivation is the maintenance of plants pending their sale to the general public, or	4 5 6
[9] Dictionary, definition of “Metropolitan Area”	7
Omit the definition. Insert instead:	8
<i>Metropolitan Area</i> means the County of Cumberland and the following local government areas:	9 10
Blue Mountains City	11
Camden	12
Gosford City	13
Lake Macquarie City	14
Newcastle City	15
Penrith City	16
Shellharbour City	17
Wollondilly	18
Wollongong City	19
Wyang	20

Schedule 2	Amendment of First Home Owner Grant Act 2000	1
		2
	(Section 4)	3
[1]	Section 3 Definitions	4
	Omit the definition of <i>permanent resident</i> . insert instead:	5
	<i>permanent resident</i> means:	6
	(a) the holder of a permanent visa within the meaning of section 30 of the <i>Migration Act 1958</i> of the Commonwealth, or	7 8 9
	(b) a New Zealand citizen who holds a special category visa within the meaning of section 32 of the <i>Migration Act 1958</i> of the Commonwealth.	10 11 12
[2]	Section 15 All interested persons to join in application	13
	Omit “under the regulations” from section 15 (2).	14
	Insert instead “by the Chief Commissioner because the Chief Commissioner has recognised the interest of another person to be a non-conforming interest under section 5 (4)”.	15 16 17

Schedule 3	Amendment of Land Tax Management Act	1
	1956	2
	(Section 5)	3
[1]	Section 3 Definitions	4
	Omit paragraph (d) of the definition of <i>Land used for primary production</i> .	5
	Insert instead:	6
	(d) a commercial plant nursery, but not including a nursery	7
	at which the principal cultivation is the maintenance of	8
	plants pending their sale to the general public, or	9
[2]	Section 10CA	10
	Insert before section 10D:	11
10CA	Taxation of land owned by Sydney Harbour Foreshore Authority	12
	(1) Nothing in this Act operates to exempt from land tax, or to	13
	otherwise affect the liability to land tax of, a lessee of any land:	14
	(a) that is owned by the Sydney Harbour Foreshore	15
	Authority, and	16
	(b) that was owned by the Sydney Cove Redevelopment	17
	Authority immediately before its dissolution on 1	18
	February 1999, and	19
	(c) in respect of which the Sydney Cove Redevelopment	20
	Authority was, immediately before 1 February 1999,	21
	liable for land tax under section 10C of this Act as then	22
	in force for the land tax year starting on 1 January 1999,	23
	while that land remains in the ownership of the Sydney	24
	Harbour Foreshore Authority.	25
	(2) For the purposes of this section, it is immaterial whether the	26
	lease was entered into before, on or after 1 January 1991.	27
	(3) This section applies to and in respect of land tax chargeable on	28
	land for the land tax year starting on 1 January 2001 and	29
	subsequent land tax years.	30

[3] Section 10P Limitation on exemption for charitable, educational, religious or non-profit bodies	1 2
Insert “, (g) (vi)” after “(g) (iv)” in section 10P (1).	3
[4] Section 10P (1A)	4
Insert after section 10P (1):	5
(1A) The exemption provided for in section 10 (1) (g) (vi) does not apply if the land is:	6 7
(a) owned by a natural person, otherwise than as a trustee, or	8 9
(b) owned by a natural person in trust for:	10
(i) another natural person, or	11
(ii) a body in respect of which the Chief Commissioner forms an opinion on the grounds referred to in subsection (1).	12 13 14
[5] Section 29 Related companies	15
Omit “the companies shall have such rights of contribution or indemnity between themselves as are just” from section 29 (5).	16 17
Insert instead “each company is liable jointly and severally to pay that tax”.	18
[6] Section 29 (6)	19
Insert after section 29 (5):	20
(6) Section 45 of the <i>Taxation Administration Act 1996</i> applies to an amount payable under subsection (5).	21 22
[7] Sections 50–53	23
Omit the sections. Insert instead:	24
50 Waiver, deferral and writing off of land tax in hardship cases	25
The Hardship Review Board constituted under Division 5 of Part 10 of the <i>Taxation Administration Act 1996</i> may exercise its functions in relation to land tax payable under this Act.	26 27 28

51 Definition of land tax for certain purposes of this Part

1

For the purposes of sections 45, 46, 47 and 50, *land tax* includes interest and penalty tax imposed under section 72, or under section 47 or Part 5 of the *Taxation Administration Act 1996*.

2

3

4

5

[8] Schedule 2 Savings and transitional provisions

6

Insert “*State Revenue Legislation Further Amendment Act 2000*” at the end of clause 1A (1) of Schedule 2.

7

8

Schedule 4 Amendment of Pay-roll Tax Act 1971	1
	(Section 6) 2
[1] Section 16K Annual adjustments	3
Omit section 16K (6).	4
[2] Section 16L Adjustment of pay-roll tax when members of a group cease to pay taxable wages or interstate wages during a financial year	5
	6
Omit section 16L (6).	7
[3] Section 16LA	8
Insert after section 16L:	9
16LA Joint and several liability	10
(1) If a member of a group fails to pay an amount that the member is required to pay under this Act in respect of any period, every member of the group is liable jointly and severally to pay that amount to the Chief Commissioner.	11
	12
	13
	14
(2) Section 45 of the <i>Taxation Administration Act 1996</i> applies to an amount payable under this section.	15
	16
[4] Part 6	17
Omit the Part. Insert instead:	18
Part 6 Hardship Review Board	19
32 Waiver, deferral and writing off of pay-roll tax in hardship cases	20
The Hardship Review Board constituted under Division 5 of Part 10 of the <i>Taxation Administration Act 1996</i> may exercise its functions in relation to pay-roll tax payable under this Act.	21
	22
	23
[5] Schedule 6 Savings, transitional and other provisions	24
Insert “ <i>State Revenue Legislation Further Amendment Act 2000</i> ” at the end of clause 1 (1) of Schedule 6.	25
	26

Schedule 5	Amendment of Stamp Duties Act 1920	1	
	(Section 7)	2	
[1]	Part 2, Division 2	3	
	Omit the Division. Insert instead:	4	
	Division 2	Hardship Review Board	5
	15A	Waiver, deferral and writing off of duty in hardship cases	6
		The Hardship Review Board constituted under Division 5 of	7
		Part 10 of the <i>Taxation Administration Act 1996</i> may exercise	8
		its functions in relation to duty payable under this Act.	9
[2]	Section 98A Receipts to which this Division does not apply	10	
	Insert after section 98A (1) (ic) (ii):	11	
	(iii)	a benefit or allowance under the <i>A New Tax System (Family Assistance) Act 1999</i> of the Commonwealth, or	12
			13
			14
	(iv)	a bonus payment under the <i>A New Tax System (Bonuses for Older Australians) Act 1999</i> of the Commonwealth, or	15
			16
			17
[3]	Tenth Schedule Savings, transitional and other provisions	18	
	Insert “ <i>State Revenue Legislation Further Amendment Act 2000</i> ” at the end of clause 1A (1) of the Tenth Schedule.	19	
		20	

Schedule 6	Amendment of Taxation Administration Act 1996	1
		2
	(Section 8)	3
[1]	Section 45 Joint and several liability	4
	Omit section 45 (2). Insert instead:	5
	(2) If under a taxation law two or more persons are jointly and severally liable to pay an amount of tax that is payable by any one of them, each person is also jointly and severally liable to pay:	6
		7
		8
		9
	(a) any amount payable to the Chief Commissioner under a taxation law in relation to that amount, including any interest and penalty tax under Part 5, and	10
		11
		12
	(b) any costs and expenses incurred in relation to the recovery of that amount that the Chief Commissioner is entitled to recover from any such person.	13
		14
		15
	(3) A person who pays an amount of tax in accordance with the liability imposed by this section has such rights of contribution or indemnity from the other person or persons as are just.	16
		17
		18
[2]	Section 82 Permitted disclosures—to particular persons	19
	Insert after section 82 (e) (viic):	20
	(viiid) the Hardship Review Board constituted under Division 5 of Part 10 or a member of that Board, or	21
		22
[3]	Part 10, Division 5	23
	Insert after Division 4 of Part 10:	24
	Division 5 Hardship Review Board	25
	106A Constitution of Hardship Review Board	26
	(1) There is to be a Hardship Review Board consisting of:	27
	(a) the Chief Commissioner, and	28
	(b) the Auditor-General, and	29

(c)	the Secretary of the Treasury.	1
(2)	A member of the Hardship Review Board may appoint a person to act in the place of the member at meetings of the Board.	2 3 4
(3)	An acting member, while so acting, has the functions of, and is taken to be, a member of the Hardship Review Board.	5 6
106B	Waiver of tax	7
(1)	The Hardship Review Board may, if authorised by a taxation law to do so, waive the payment of tax, either wholly or in part, if it is satisfied that:	8 9 10
(a)	the person liable to pay it is in such circumstances that the exaction of the full amount of tax would result in serious hardship for the person or the person's dependants, or	11 12 13 14
(b)	the person liable to pay it has died and that person's dependants are in such circumstances that the exaction of the full amount of tax would result in serious hardship for them.	15 16 17 18
(2)	The Chief Commissioner may exercise the functions of the Hardship Review Board under this section if the amount of the unpaid tax is less than \$2,000 in any particular case for any financial year.	19 20 21 22
(3)	In this section, <i>tax</i> includes:	23
(a)	any amount payable to the Chief Commissioner under a taxation law in relation to tax, including any interest and penalty tax under Part 5, and	24 25 26
(b)	any costs and expenses incurred in relation to the recovery of the tax or any other amount that the Chief Commissioner is entitled to recover from any such person.	27 28 29 30

106C	Deferral and writing off of tax	1
	The Hardship Review Board may direct the Chief Commissioner:	2
		3
	(a) to extend the time for payment of tax under section 47,	4
	or	5
	(b) to write off tax under section 110.	6
106D	Disclosure of information	7
	The Hardship Review Board, a member of that Board, or a person otherwise engaged in the administration of this Division, may disclose to a tax officer information obtained under or in relation to the administration of this Division.	8
		9
		10
		11
[4]	Schedule 1 Savings, transitional and other provisions	12
	Insert “ <i>State Revenue Legislation Further Amendment Act 2000</i> ” at the end of clause 1 (1) of Schedule 1.	13
		14