

Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017

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Western Australia

LEGISLATIVE ASSEMBLY

**Pay-roll Tax Assessment Amendment (Debt and
Deficit Remediation) Bill 2017**

A Bill for

An Act to amend the *Pay-roll Tax Assessment Act 2002*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Pay-roll Tax Assessment Amendment (Debt and*
3 *Deficit Remediation) Act 2017*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
- 8 (b) the rest of the Act — when the *Pay-roll Tax Amendment*
9 *(Debt and Deficit Remediation) Act 2017* section 7
10 comes into operation.

11 **3. Act amended**

12 This Act amends the *Pay-roll Tax Assessment Act 2002*.

13 **4. Section 13 amended**

14 Delete section 13(1).

15 **5. Section 15 amended**

16 In section 15(2) and (3) delete “interstate taxable wages” (each
17 occurrence) and insert:

18

19 Australian taxable wages

20

21 **6. Section 17 amended**

22 Delete section 17(1A).

1 **7. Section 19 amended**

2 In section 19(3) and (4) delete “interstate taxable wages” (each
3 occurrence) and insert:

4
5 Australian taxable wages
6

7 **8. Part 2 Division 5 inserted**

8 At the end of Part 2 insert:

9
10 **Division 5 — Special provisions for period from**
11 **1 July 2018 to 30 June 2023**

12 **23A. Nomination of estimates for determining rates for**
13 **progressive return periods**

14 (1) The Commissioner may —

15 (a) for the purposes of the *Pay-roll Tax Act 2002*
16 section 9(a), nominate —

17 (i) an amount of Australian taxable wages
18 that it is estimated will be payable by an
19 interstate non-group employer during an
20 assessment year in the sliding scale
21 period; and

22 (ii) a number of days in the assessment year
23 during which it is estimated that
24 Australian taxable wages will be
25 payable by the employer;

26 or

27 (b) for the purposes of the *Pay-roll Tax Act 2002*
28 section 11(a), nominate —

29 (i) an amount of Australian taxable wages
30 that it is estimated will be payable by all

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- 1 members of a group during an
2 assessment year in the sliding scale
3 period; and
- 4 (ii) a number of days in the assessment year
5 during which it is estimated that
6 Australian taxable wages will be
7 payable by at least one member of the
8 group.
- 9 (2) The Commissioner may make or vary a nomination
10 under this section —
- 11 (a) on the Commissioner's own initiative, having
12 regard to the amounts of Australian taxable
13 wages previously paid or payable by the
14 employer, or by all members of the group, and
15 any other relevant matters; or
- 16 (b) on application by the interstate non-group
17 employer, or by a member of the group, having
18 regard to the information included in the
19 application and any other relevant matters.
- 20 (3) The Commissioner may cancel a nomination under this
21 section at any time.
- 22 (4) As soon as practicable after making, varying or
23 cancelling a nomination under this section, the
24 Commissioner must notify the employer, or each
25 member of the group, to which the nomination relates
26 of —
- 27 (a) the making, variation or cancellation of the
28 nomination; and
- 29 (b) in the case of the making or variation of a
30 nomination — the first progressive return
31 period to which the nomination, or the
32 nomination as varied, applies (which may be
33 any period in the assessment year, including a
34 period that has ended).

- 1 (5) Subject to any cancellation or variation, a nomination
2 under this section applies to the progressive return
3 period specified under subsection (4)(b) and each
4 subsequent progressive return period in the assessment
5 year.
- 6 (6) Subject to the *Taxation Administration Act 2003*
7 section 17, the Commissioner must make any
8 reassessment necessary to give effect to the making or
9 variation of a nomination under this section.

10 **23B. Application for nomination under s. 23A**

- 11 (1) An application for the making or variation of a
12 nomination under section 23A must —
- 13 (a) be in the approved form; and
14 (b) include any relevant information required by
15 the Commissioner.
- 16 (2) An application for the variation of a nomination made
17 under section 23A in relation to an interstate non-group
18 employer or a group cannot be made unless the
19 applicant expects that —
- 20 (a) the amount of Australian taxable wages that
21 will be payable by the employer, or by all
22 members of the group, during the assessment
23 year will vary significantly from the nominated
24 amount; or
- 25 (b) the number of days in the assessment year
26 during which Australian taxable wages will be
27 payable by the employer, or by at least one
28 member of the group, will vary significantly
29 from the nominated number of days.

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- 1 **23C. Determination of reduced rate where *Pay-roll Tax***
2 ***Act 2002* s. 8(6) or 10(7) applied**
- 3 (1) This section applies if —
- 4 (a) an interstate non-group employer, or the DGE
5 of a group, fails to comply, within the period
6 referred to in section 27(2)(c), with a
7 requirement under section 27 to lodge an
8 additional return in respect of an assessment
9 year in the sliding scale period; and
- 10 (b) as a result of the failure to comply, a pay-roll
11 tax rate of 6.5% applies to the employer or
12 group and the assessment year or part of the
13 assessment year (the *part-year*) under the
14 *Pay-roll Tax Act 2002* section 8(6) or 10(7).
- 15 (2) If the Commissioner has sufficient information to
16 determine the pay-roll tax rate that would, but for the
17 application of the *Pay-roll Tax Act 2002* section 8(6) or
18 10(7), have applied to the employer or group and the
19 year or part-year, the Commissioner may determine
20 that the *Pay-roll Tax Act 2002* section 8(6) or 10(7)
21 (whichever is relevant) does not apply to the employer
22 or group and the year or part-year.
- 23 (3) A determination under subsection (2) may be made on
24 the Commissioner's own initiative or on application by
25 the interstate non-group employer or a member of the
26 group.
- 27 (4) An application for a determination under subsection (2)
28 must —
- 29 (a) be in the approved form; and
- 30 (b) include any relevant information required by
31 the Commissioner.
- 32 (5) As soon as practicable after making a determination
33 under subsection (2), the Commissioner must notify the

1 employer, or each member of the group, to which the
2 determination relates of the making of the
3 determination.

4 (6) Subject to the *Taxation Administration Act 2003*
5 section 17, the Commissioner must make any
6 reassessment necessary to give effect to a
7 determination under subsection (2).
8

9 **9. Section 29 amended**

10 In section 29(1b) in the definition of *expected pay-roll tax*
11 *liability* delete “WA taxable wages and interstate taxable
12 wages —” and insert:
13

14 Australian taxable wages —
15

16 **10. Glossary amended**

17 (1) In the Glossary clause 1 delete the definition of *pay-roll tax rate*.

18 (2) In the Glossary clause 1 insert in alphabetical order:
19

20 *Australian taxable wages* means WA taxable wages and
21 interstate taxable wages;

22 *pay-roll tax rate*, in relation to an employer or group and an
23 assessment year, part of an assessment year or a progressive
24 return period, means the rate of pay-roll tax fixed for the
25 employer or group and the year, part-year or period under
26 the *Pay-roll Tax Act 2002*;

27 *sliding scale period* has the meaning given in the *Pay-roll*
28 *Tax Act 2002* section 5(3);
29

30