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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

BANK ACCOUNT DEBITS TAX ADMINISTRATION BILL 1982

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ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) AMENDMENT BILL 1982

EXPLANATORY MEMORANDUM

(Circulated by authority of the Treasurer,
the Hon. John Howard, M.P.)

Introductory note

The 3 Bills to which this memorandum relates will give effect to the decision by the Government to impose a new tax from 1 January 1983 on debits to cheque accounts kept with banks in Australia.

The tax is to apply to all debits (other than debits specifically exempted from the tax) made to a bank account on which cheques may be drawn against the bank. The tax will apply to debits to an account resulting from cheques paid by a bank as well as to other debits made to the account, such as in respect of the charging of interest and bank fees. Debits to current accounts held with trading banks will be the predominant subject of the tax, although it will also apply to debits to any accounts with cheque facilities kept with other banks, e.g., savings banks, special purpose banks and the Reserve Bank of Australia.

Exemption from the tax will generally be available for governments, public benevolent bodies and for foreign diplomatic and consular personnel in respect of their private or domestic transactions.

The amount of tax to be imposed on a debit to a cheque account will vary according to the amount of the debit, as follows -

<u>Amount of debit</u>	<u>Amount of tax</u>
Less than \$100.00	10¢
Not less than \$100.00 but less than \$500.00	25¢
Not less than \$500.00 but less than \$5,000.00	50¢
\$5,000.00 or more	\$1.00

General outline

BANK ACCOUNT DEBITS TAX ADMINISTRATION BILL 1982

This Bill contains provisions, relating to the administration and collection of the new tax, as follows :

- . provisions to enable the ascertainment of liability for the tax;
- . machinery provisions of a kind customary in taxation Acts :
 - . to enable objections and appeals to be lodged against assessments and prescribed decisions of the Commissioner of Taxation regarding liability for the tax;
 - . to enable collection and recovery of the tax;
 - . creating offences for non-compliance with requirements of the law.

BANK ACCOUNT DEBITS TAX BILL 1982

This Bill will declare the rates of tax and formally impose the tax on bank account debits that are to be subject to the tax.

It will also contain an anti-tax avoidance provision to ensure that accounts with banks outside Australia are not used to avoid liability to the new tax.

ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW)

AMENDMENT BILL 1982

This Bill will amend the Administrative Decisions (Judicial Review) Act 1977 to exclude from review under that Act assessments and certain other decisions of the Commissioner of Taxation related to liability for the bank account debits tax (which will be reviewable instead under separate objection and appeal provisions contained in the Bank Account Debits Tax Administration Bill).

Main features

The Bank Account Debits Tax Administration Bill 1982 will establish liability for payment of the bank account debits tax and will set out customary machinery provisions to enable administration of the tax.

The liability to pay tax imposed on a debit made to a cheque account kept with a bank in Australia will, in all but certain special cases, fall on the bank. The bank with which a cheque account is kept will be required to furnish a monthly return of taxable debits to the Commissioner of Taxation and to pay the tax imposed on those debits. The return and payment of tax will be required to be made by the bank within 14 days after the end of the month to which the return and tax relate. A bank will be permitted to lodge a separate return in respect of a branch or branches of the bank, if that course is more convenient to the bank than a requirement to lodge a single return for the whole bank. The Bill will give a statutory right to the bank to recover from the customer the tax payable on debits made to a customer's account.

Where a cheque account is held by a person or body entitled to exemption from the tax, the Commissioner of Taxation will be empowered, on application being made by that person or body, to issue a certificate of exemption in respect of that account. A bank will not be liable to pay tax in respect of debits to an account for which a certificate of exemption is in force. A bank will also not be required to pay tax on certain debits to a taxable account (i.e., one for which a certificate of exemption is not in force). These are :

- . adjusting debits, i.e., debits made to reverse a previous credit entry or a debit which is reversed by a subsequent credit entry; and
- . a debit made to an account to recover from the account holder tax payable by the bank in respect of taxable debits to the account.

A bank will be entitled to claim from the Commissioner a refund of any tax paid on debits to an account if the bank is subsequently unable to recover from its customer the amount of that tax.

A certificate of exemption in respect of an account will generally be available for accounts held by any of the following persons, bodies or institutions :

- . the Governor-General of Australia or the Governor of a State;

- . a person who is entitled to exemption from the tax by virtue of any other law of the Commonwealth, such as a person who is a foreign diplomat, consular official or an official of an international organisation of which Australia is a member;
- . an international organisation of which Australia is a member and which is either entitled to exemption from the tax by virtue of any other law of the Commonwealth or by an agreement which obliges Australia to grant such exemption;
- . a public benevolent or religious institution;
- . a public hospital or a non-profit private hospital;
- . a non-profit school, college or university;
- . a department or authority of the Commonwealth or of a State or Territory or a municipal governing body, provided that -
 - it is not the sole or principal function of the department, authority or body to carry on business activities; and
 - debits relating to any business activity of the department, authority or body are not made to that account;
- . a bank which carries on banking business in Australia, in respect of an account kept with another bank.

Assessments of tax made by the Commissioner of Taxation, and certain other decisions of the Commissioner which affect the liability of a bank or other persons to pay the tax, will be open to the normal processes of objection and review by a Board of Review or a court, if the person affected is dissatisfied with the assessment or decision by the Commissioner.

The tax is intended to operate as a "self-assessed" tax. Assessments in respect of the tax will not generally be made by the Commissioner of Taxation. The banks will lodge returns showing the amount of tax payable as calculated by them and pay the tax. In special cases, however, the Commissioner will raise assessments of tax payable. These cases are :

- . where a customer of a bank has falsely or incorrectly obtained a certificate of exemption in respect of an account as a result of which the bank was not liable to pay tax on debits made to the account;
- . where an "exempt customer" of a bank has used the exempt account for purposes other than those for which the exemption was available;
- . where a bank has failed to lodge a return as required, or the Commissioner is dissatisfied with a return lodged by a bank;
- . where in order that rights of objection and appeal are made available to a bank the bank has requested the Commissioner to make an assessment of the tax payable in respect of a particular return.

A large portion of the Bill (clauses 20 to 61) is concerned with machinery provisions of the kind commonly found in taxation Acts and which are necessary for the efficient administration and collection of a tax. The principal matters dealt with in these provisions are :

- . objections against prescribed decisions and assessments of tax made by the Commissioner and the review of decisions on objections by a Board of Review or a court (clauses 20 to 33);
- . authority for the Commissioner to sue for recovery of unpaid tax and to impose additional (penalty) tax for late payment of tax (clauses 34 to 37);
- . penalties for offences committed against the Act and procedures for the institution of prosecutions by the Commissioner (clauses 38 to 55);
- . miscellaneous matters, including the right of the Commissioner to have access to books and information, annual returns by banks of exempt accounts held by them and the appointment of officers to represent the banks in relation to matters arising under the Act.

The Bank Account Debits Tax Bill 1982 imposes a tax in respect of specified debits to accounts and sets out the rate of tax payable in respect of bank account debits.

In broad terms, this Bill identifies 3 circumstances in which the tax is imposed. They are :

- . where a taxable debit is made to a taxable account. (This would occur when a bank makes a debit to an account for which no exemption certificate is in force.) In this case the tax is to be paid by the bank;
- . where an eligible debit is made to an exempt account. (This would occur when a bank makes a debit to an account for which a certificate of exemption is in force and the debit did not result from a transaction of the kind for which the certificate was issued.) The tax in this case is to be paid by the account holder;
- . where an eligible debit is made to an account kept with an overseas bank by a resident of Australia. (Tax will be imposed in these circumstances where it would be concluded on objective grounds that the debit made to the overseas account was made for the purpose of avoiding tax that would have been payable if the debit had been made to an account in Australia.) The tax in such a case is to be paid by the account holder.

The Administrative Decisions (Judicial Review) Amendment Bill 1982 proposes an amendment of the A.D.J.R. legislation to exclude from review under that legislation assessments of tax and certain other decisions of the Commissioner of Taxation related to the liability of a bank or other person for payment of bank account debits tax. That exclusion reflects the fact that persons who dispute an assessment of bank account debits tax or a prescribed decision relating to liability for that tax will have rights of objection and appeal to a Board of Review or a court modelled on those that apply for income tax purposes.

General scheme of the tax

The broad scheme of the provisions contained in these Bills is that tax, at a rate determined by the amount of the debit, will be imposed on debits made to cheque accounts (other than exempt accounts) held with banks and the banks will be liable to pay the tax to the Commissioner of Taxation. The banks will, however, have a statutory right to recover from their customers the tax paid by them. It will only be in unusual circumstances that the tax imposed will be payable by the holder of the account with the bank.

An "exempt account" is defined in the Bill as an account in Australia for which a certificate of tax exemption is in force. Other key concepts used in the provisions of the Bill are -

- "taxable accounts" - broadly, cheque accounts in Australia other than exempt accounts.
- "exempt debit" - a class of debit which is never to be subject to tax, irrespective of whether the account is an exempt account or a taxable account. Exempt debits comprise -
 - . a debit made to reverse a prior credit entry;
 - . a debit which is subsequently reversed;
 - . a debit to recover from the account holder tax paid by the bank.
- "excluded debit" - broadly, a debit to an account held by one of the bodies or persons entitled to exemption from the tax, such as governments, public benevolent bodies and foreign diplomatic and consular personnel. This category of debits also includes debits made to an account held by a bank with another bank and debits the tax in respect of which has not been able to be recovered by the bank concerned.

"certificate of exemption"

- a certificate that may be issued by the Commissioner of Taxation in respect of an account if he is satisfied that all debits to the account will be either exempt debits or excluded debits.

"taxable debit"

- a debit to an account, other than an exempt debit. Banks will be liable to pay tax in respect of taxable debits to taxable accounts. A bank will not be required to pay tax in respect of a taxable debit made to an exempt account or an exempt debit made to an exempt account.

"eligible debit"

- a debit to an account, other than an exempt debit or an excluded debit. These form the category of debits which, in certain circumstances, will be taxable to the account holder but not to the bank. For example, if a certificate of exemption is wrongly issued in respect of an account or if the account is used for purposes other than those for which the exemption was available and, by reason that the account is an exempt account, the bank was not required to pay the tax, then the account holder will be required to pay the tax.

By this scheme, a bank, in determining its liability to pay tax in respect of a debit to a cheque account, will only be called upon to decide whether it has been notified that a certificate of exemption is in force in respect of the account. If so, all debits to the account will be free of tax so far as the bank is concerned. If a certificate of exemption is not in force the bank will be required to pay tax on all debits, other than those in the defined category of "exempt debits" for which tax is never payable. It will be for the Commissioner of Taxation to determine whether a particular body or person is entitled to exemption from the tax and whether, therefore, a certificate of exemption should be issued.

The provisions of the Bills are explained in more detail in the notes that follow.

BANK ACCOUNT DEBITS TAX ADMINISTRATION BILL 1982

PART I - PRELIMINARY

Clause 1 : Short title, etc.

By this clause, the Act is to be cited as the Bank Account Debits Tax Administration Act 1982.

Clause 2 : Commencement

Under this clause the Act is to come into operation on the day on which it receives the Royal Assent. But for this clause the Act would, by reason of sub-section 5(1A) of the Acts Interpretation Act 1901, come into operation on the twenty-eighth day after the date of Assent.

Clause 3 : Interpretation

Sub-clause 3(1) defines a number of terms used in the Bill :

"Account" is defined to mean a bank account on which cheque drawing facilities are provided.

"Account holder" is the person or persons in whose name or names an account is kept.

"Assessment" means the ascertainment of tax payable in accordance with the Act.

"Bank" is expressed to mean a person who carries on banking business and, in so doing, provides cheque account facilities. By this definition, the term can include a bank carrying on business outside Australia and will also include the Reserve Bank of Australia and any special purpose bank which provides cheque account facilities.

"Board of Review" means one of the Boards of Review established for income tax purposes.

"Certificate of exemption" means a certificate issued by the Commissioner of Taxation in respect of an account held by one of the bodies or persons entitled to exemption from the tax. Where a certificate of exemption is in force in respect of an account the bank concerned is not required to pay tax on any debits made to the account.

"Commissioner" means the Commissioner of Taxation appointed to administer the various taxation laws of the Commonwealth.

"Company" is defined to mean any incorporated or unincorporated association or body of persons, including a partnership.

"Cheque" is given its ordinarily understood meaning, that is, a demand on a bank to pay an amount from a customer's account to a third person. The term as defined does not, therefore, include instruments known as bank cheques.

"Deputy Commissioner" means a Deputy Commissioner of Taxation.

"Eligible debit" is defined as a debit made to an account, other than an excluded debit or an exempt debit. Eligible debits are identified as the category of debits for which the account holder and not the bank can, in special circumstances, be required to pay the tax.

"Excepted goods" and "excepted services" are terms used in connection with the exemption provided in the Bill for debits to accounts of government departments and instrumentalities. Government bodies the sole or principal function of which is to carry on a business will not be eligible for the exemption. Other government bodies will be eligible for exemption from the tax, except in relation to bank account debits resulting from transactions connected with a business undertaking. For the purpose of this exemption, the Bill specifies that a government body which charges for goods or services supplied to the public - other than "excepted goods" or "excepted services" - is deemed to be carrying on a business. By these definitions, "excepted goods" and "excepted services" mean goods or services the supply of which forms a minor or insignificant part of the functions of the government body, or goods or services declared by regulations to be excepted goods or excepted services.

"Excluded debit" is the term used to refer to debits made to an account and which primarily by virtue of the nature of the body or person in whose name the account is held but also in limited circumstances by virtue of the nature of the debit itself, are to be exempt from tax in the hands of the bank when made to an exempt account (i.e., an account for which a certificate of exemption is in force). An excluded debit made to an account that does not have a certificate of exemption in force will be subject to tax payable by the bank.

Paragraph (a) of the definition identifies the debits which will be excluded debits by reason that the body or person in whose name the account concerned is held is entitled to exemption from the tax. These are debits made to an account in the name of -

- (i) the Governor-General of Australia or the Governor of a State;
- (ii) a person who is entitled to exemption from the tax by virtue of any other law of the Commonwealth, such as foreign diplomatic and consular personnel with bank accounts in Australia who are entitled to exemption from the tax by reason of the Diplomatic Privileges and Immunities Act or the Consular Privileges and Immunities Act. A condition of this exemption is that the debit must have resulted from a transaction related wholly and exclusively to the person's private or domestic affairs, other than affairs consisting of the carrying on of a business in Australia;
- (iii) an organisation that is entitled to exemption under another Commonwealth law or for which Australia is obliged under international agreements to grant tax exemption. A condition of the exemption is that the debit must have resulted from a transaction related wholly and exclusively to the official activities of the organisation;
- (iv) an official of an international organisation in respect of whom Australia is obliged under an international agreement to grant tax exemption. As with the exemption for diplomatic and consular personnel, it is a condition of the exemption that the debit resulted from a transaction related wholly and exclusively to non-business, private or domestic affairs of the official;

- (v) a government of another country;
- (vi) a public benevolent institution, a religious institution, a public or non-profit hospital or a non-profit school, college or university. A debit to an account held by any of these bodies will not be an excluded debit unless it is related to a transaction carried out wholly and exclusively in furtherance of the objects of the body;
- (vii) a Commonwealth, State or Territory government department or authority or a municipal or local governing body, provided it is not the sole or principal function of the department, authority or body to carry on a business. A debit made to an account held by such a department, authority or body will not be an excluded debit if it resulted from a transaction connected with a business activity. For the purposes of this exemption, the Bill specifies (sub-clause 3(4)) that a government body that makes a charge for goods or services supplied to the public, other than as a minor or insignificant part of the functions of the body, is deemed to carry on a business;
- (viii) a government department or authority that is prescribed by regulation.

Paragraph (b) of the definition of excluded debit specifies that a debit made to an account kept by a bank that carries on banking business in Australia with another bank is an excluded debit. This means that a certificate of exemption will be available for accounts of banks kept with other banks and that, where a certificate of exemption is in force, a bank with which an account of another bank is kept will not be liable to pay tax on debits made to the account.

Paragraph (c) of the definition relates to debits for which the bank concerned has paid tax but is unable to recover the tax from its customer. By this paragraph the debit involved will become an excluded debit and will mean that the tax previously paid by the bank will be able to be refunded to the bank by the Commissioner of Taxation.

Paragraph (d) of the definition will permit other debits to be prescribed by regulation as excluded debits.

"Exempt account" is the term used in the Bill to refer to cheque accounts kept in Australia for which a certificate of exemption issued by the Commissioner of Taxation is in force. A bank will not be liable to pay tax in respect of any debits made to an exempt account.

"Exempt debit" defines a class of debits for which tax will not be imposed under any circumstances. Debits in this class include an adjusting debit made to reverse a previous credit entry and a debit made to an account for the purpose of recovering from the account holder tax paid by the bank in respect of other taxable debits made to the account. The class of exempt debits is extended by sub-clause 3(3) of the Bill to include a debit which, at any time after it was made, is reversed. If tax has been paid in respect of such a debit, a refund of the tax will be available from the Commissioner of Taxation after the debit is reversed.

"Goods" is defined to include water, gas and electricity. This definition is related to the proposed exemption for debits to accounts held by certain government bodies. The practical effect of this definition is that a government body which supplies water, gas or electricity to the public for a fee or charge will, for the purposes of the definition of "excluded debit", be deemed to be carrying on an activity in the nature of a business.

"Month" is defined to mean one of the 12 months of the year. But for this definition, "month", by virtue of the Acts Interpretation Act, would mean a calendar month, i.e., the period from a day in one month to the same day in the succeeding month.

"Officer" is formally defined to mean an officer of the Australian Public Service.

"Person" is widely defined to include, in addition to a natural person, a body politic (a government body or authority), a company, a partnership and any other unincorporated association or body of persons.

"Second Commissioner" means a Second Commissioner of Taxation.

"Tax" is defined to mean the tax to be imposed by the companion Bank Account Debits Tax Bill 1982.

"Taxable account" is the term used to refer to a cheque account in Australia for which a certificate of exemption is not in force. A bank is to be required to pay tax on taxable debits made to a taxable account.

"Taxable debit" means any debit made to a cheque account other than an exempt debit. Excluded debits, as defined, will be subject to tax as taxable debits unless a certificate of exemption is in force in relation to the account to which they are debited.

Sub-clause 3(2) defines the term "resident of Australia". That term is used in the companion Bank Account Debits Tax Bill 1982 in relation to certain circumstances involving attempted avoidance of the tax through use of an overseas account by an Australian resident. That Bill ensures that the Australian resident will be liable to pay tax on such transactions.

By paragraph (a) a natural person will be regarded as a resident of Australia if he or she resides in Australia or, if not residing in Australia, is domiciled in Australia and does not have a permanent place of residence outside Australia.

Paragraph (b) treats a company as a resident of Australia if the company was incorporated in Australia or if it carries on business in Australia and has either its central management and control here or its voting power is controlled by shareholders who are residents.

Paragraph (c) deals with the position of a partnership or other unincorporated association or body of persons. Such a body will be regarded as a resident of Australia if any of its members is an Australian resident.

Sub-clause 3(3) extends the meaning of the term "exempt debit" in sub-clause (1) to deem a debit made to an account and subsequently reversed to be, and to have always been, an exempt debit. If tax has been paid on a debit which is subsequently reversed the Commissioner of Taxation will be authorised to refund, or allow as a credit, the amount of tax paid.

Sub-clause 3(4), as mentioned earlier in these notes, specifies that, for the purposes of the exemption of tax that is to be available to government bodies that do not primarily carry on business undertakings, a government body that makes a charge for goods or services supplied to the public (other than for "excepted goods" or "excepted services", as defined earlier) is to be deemed to be carrying on a business.

Sub-clause 3(5) is a drafting provision which simply specifies that tax and additional tax is "due and payable" for the purposes of the Act, on the day on which the tax or additional tax is required to be paid.

Sub-clauses 3(6) and (7) deal with the special case of an account that is held in the name of a partnership, an unincorporated association or any other body of persons. The effect of these sub-clauses is to impose liability for payment of tax and for any penalties for offences committed against the Act on the individual members of the partnership and on the management of the association or body respectively.

Sub-clause (6) specifies that, in relation to an offence committed against the Act, each member of a partnership and each member of the committee of management of an unincorporated association or other body of persons, as the case may be, is guilty of the offence. By sub-clause (7) each member of a partnership, unincorporated association or other body of persons is to be jointly and severally liable for any tax or additional tax payable by the partnership, association or body.

PART II - ADMINISTRATION

Clause 4 : General administration of Act

Under this clause, the Commissioner of Taxation is to be responsible for the general administration of the laws related to the bank account debits tax.

Clause 5 : Second Commissioner and Deputy Commissioners

Sub-clause (1) ensures, as is usual in taxation legislation of which the Commissioner of Taxation has the general administration, that the Second Commissioners of Taxation also have the powers, and may perform the functions of, the Commissioner under the Act.

Sub-clauses (2) and (3) make clear that the Commissioner retains his powers and responsibilities in relation to the administration of the tax notwithstanding the exercise of powers or performance of functions under the Act by a Second Commissioner.

By sub-clause (4), any power or function of the Commissioner which may be exercised or performed by the Second Commissioner and which is dependent upon the opinion, belief or state of mind of the Commissioner in relation to a matter, may be exercised or performed on the basis of the opinion, belief or state of mind of the Second Commissioner.

Under sub-clause (5), a reference in the Bill to the Commissioner is to be read as a reference to a Second Commissioner, a Deputy Commissioner or any other person upon whom powers and functions are proposed to be conferred in accordance with the Bill or by delegation. This recognises the practical position that a number of the specific powers and functions given by this Bill to the Commissioner will need to be capable of delegation. As already explained, the Second Commissioner will be able to exercise powers and functions of the Commissioner. Additionally, the Commissioner may delegate his powers and functions to Deputy Commissioners or other persons.

Clause 6 : Annual report

This clause will, as is customary, require the Commissioner to furnish an annual report on the working of the Act to the Treasurer for presentation to the Parliament. In the report the Commissioner will be required to draw attention to any breaches or evasions of the Act that have come under his notice.

Clause 7 : Secrecy

This clause contains secrecy provisions consistent with those in other Commonwealth taxation Acts. They will apply to officers who, in the performance of their duties related to the administration of the tax, acquire information with respect to the affairs of a person. Such an officer will be obliged to keep such information confidential and will not be compellable to give to any court information relating to the affairs of a person, but may do so where it becomes necessary to do so in carrying into effect the provisions of the legislation.

The maximum penalty for an offence against this section is to be \$5,000 or imprisonment for one year, or both. However, an officer may communicate information

about another person to a Taxation Board of Review, to a person performing duties as an officer under another taxation Act administered by the Commissioner or to a person performing a comparable function under a State or Territory law relating to taxation.

PART III - LIABILITY TO TAX

Clause 8 : Liability to tax

This clause establishes the liability to pay the tax to be imposed by the Bank Account Debits Tax Bill 1982

Under sub-clause (1), tax imposed on a taxable debit made to a taxable account is to be paid by the bank with which the account is kept.

By sub-clause (2), tax imposed on an eligible debit to any cheque account that is not a taxable account is to be paid by the account holder. As explained earlier, tax is imposed on debits to cheque accounts that are not taxable accounts only in special circumstances, such as where a certificate of exemption was incorrectly issued in respect of the account, or an attempt is made to utilize an overseas account to avoid payment of the tax.

Clause 9 : When tax payable

Clause 9 formally specifies when the bank account debits tax is to be paid.

Paragraph (a) specifies that tax payable by a bank in respect of a taxable debit made during a month is to be paid by the 14th day after the end of the month.

By paragraph (b), tax payable by an account holder under an assessment of tax made by the Commissioner is to be paid within 14 days after the day on which notice of the assessment is served on the person.

Clause 10 : Recovery of tax by banks

This clause will create a statutory right for banks to recover from their customers tax paid in accordance with the proposed legislation.

By sub-clause (1), an account holder is liable to pay to the bank an amount equal to the tax paid, or liable to be paid, by the bank in respect of taxable debits made

to the account of the account holder. Where there are 2 or more account holders in relation to the one account, each is to be jointly and severally liable to the bank for the tax. A bank may sue for recovery of the tax in a court of competent jurisdiction.

Sub-clause (2) precludes right of recovery in any case where the tax concerned has been refunded to the bank or where a payment in respect of tax paid on an excluded debit has been made to the bank under proposed section 14.

By sub-clause (3), a bank is to be permitted to recover tax from its customer by debiting the customer's account with the amount of tax paid in respect of the account.

Clause 11 : Certificate of exemption from tax

This clause will govern the issue and revocation of certificates of exemption by the Commissioner of Taxation. The function of a certificate of exemption is to authorise a bank to make debits to the account to which the certificate relates free of tax.

By sub-clause (1), the Commissioner will, upon proper application being made to him by an account holder, issue a certificate of exemption in respect of an account if, as specified in paragraph (a), he is satisfied that all debits to the account are or will be excluded debits or exempt debits. In other words, where an account holder is one of the bodies or persons mentioned in paragraph (a) or (b) of the definition of "excluded debit" and the account is to be used only in connection with activities of the body or person that are specified in the definition, the account holder will be able to obtain a certificate of exemption from the Commissioner.

If the Commissioner refuses to issue a certificate because he is not satisfied that all debits to the account will be excluded or exempt debits, paragraph (b) will require him to serve notice of his decision on the account holder who applied for the certificate. An account holder will then be able to object against the Commissioner's refusal and, if necessary, have the Commissioner's decision reviewed by a Taxation Board of Review or a court (proposed section 23).

By sub-clause (2), a certificate of exemption will remain in force for such period as is shown on the certificate or, where a date of expiry has not been specified on the certificate, until the certificate is revoked by the Commissioner.

Under this sub-clause, the Commissioner may in appropriate cases issue a certificate of exemption that has effect from a date prior to the date of its issue. An account holder who obtains a certificate with retroactive effect will be able to seek a refund of any tax paid on debits made to the account prior to the issue of the exemption certificate.

Sub-clause (3) will authorise the Commissioner to revoke a certificate of exemption if either the account holder notifies him (paragraph (a)), or he otherwise becomes satisfied (paragraph (b)), that an eligible debit (i.e., a debit other than an excluded debit or an exempt debit) has been, or is to be made to the account. In other words, the certificate may be revoked if the account ceases to be used wholly for exempt purposes.

Sub-clause (4) proposes that an obligation be placed on an account holder who has obtained an exemption certificate in respect of an account to notify the Commissioner within 7 days if an eligible debit has been made to the account or if the account holder expects that, within 30 days, an eligible debit will be made to the account - for example, if a body or person referred to in the definition of "excluded debit" ceases to qualify for the exemption.

When the Commissioner receives notification from the holder of an exempt account, he may either revoke the certificate of exemption or, if he is satisfied that the circumstances calling for notification will not persist, he may allow the certificate to remain in force and seek satisfactory arrangements with the account holder for payment of any tax payable in respect of the account. A penalty of up to \$1,000 is to be provided by this sub-clause for any person who is convicted of an offence of failing to notify the Commissioner when required to do so.

Sub-clause (5) will require the Commissioner to serve notice of revocation of a certificate of exemption on each account holder concerned and on the bank with which the account is kept. Revocation of the certificate will not take effect until notice of the revocation is served on the bank. In other words, a bank will be permitted to continue to make tax-free debits to an exempt account until it is notified by the Commissioner not to do so.

Sub-clause (6) will require an application for a certificate of exemption to be made in writing and the applicant to furnish such information as the Commissioner requires for his consideration of the application.

PART IV - RETURNS AND ASSESSMENTSClause 12 : Returns in respect of taxable debits

By sub-clause (1), a bank which makes taxable debits to taxable accounts during a month will be required to furnish a return to the Commissioner of all such taxable debits. A return will be required to be lodged within 14 days after the end of the month to which the return relates. Failure to furnish a return as required will render the bank liable to a penalty, on conviction, of up to \$5,000.

Sub-clause (2) will authorise the Commissioner to permit a bank to furnish more than one return for a month. For example, a bank with Australia-wide operations may find it more convenient to lodge returns on a State-by-State basis rather than to lodge one return for the whole of its Australian operations.

By sub-clause (3), the Commissioner will be able to call upon an account holder to furnish, within 21 days, a return in respect of eligible debits made during a specified period to an account, other than a taxable account, i.e., an exempt account or an account held outside Australia. This provision would be invoked by the Commissioner in cases where there is evidence to suggest that debits to the account are properly subject to tax. (Tax will only be imposed on debits to overseas accounts in certain tax avoidance situations - see the Bank Account Debits Tax Bill 1982.)

A penalty of up to \$2,000 for a person convicted of failing to furnish a return in accordance with the requirements proposed by sub-clause (3) will be imposed by sub-clause (4).

Sub-clause (5) specifies that a return required to be furnished must be in an approved form and contain such particulars as are required by the form.

Clause 13 : Refunds of amounts incorrectly paid

Sub-clause (1) will authorise the Commissioner to refund any amount of tax overpaid by a bank, other than an amount paid as a result of an assessment made by the Commissioner. (Refunds of tax overpaid on an assessment basis will be available upon the assessment being amended by the Commissioner in accordance with other provisions of the proposed legislation - see notes on clause 18.)

Sub-clause (2) will determine whether the bank concerned, or the account holder, will be permitted to apply for a refund. If the tax overpaid has been recovered by the bank from the account holder in accordance with clause 10, the account holder will be permitted to apply for the refund. Conversely, if the bank has not recovered the tax overpaid, the bank will be entitled to apply for the refund.

Sub-clause (3) will limit the period in which an application for a refund of overpaid tax is to be made. By paragraph (a), an application by an account holder is to be made within 3 years after the day on which the tax was paid by him to the bank. Paragraph (b) requires an application by a bank to be made within 3 years of the day on which the tax overpaid by the bank was paid to the Commissioner.

Sub-clause (4) will require an applicant for a refund of tax overpaid to furnish adequate information to the Commissioner to enable him to consider the application.

Sub-clauses (5) and (6) propose that, where an application for a refund of overpaid tax has been made, the Commissioner will be required to refund to the applicant such amount as the Commissioner is satisfied has been overpaid and, in any case where the whole of the amount applied for is not refunded, to notify the applicant of his decision not to refund the whole amount. The applicant will then be able to object against the Commissioner's decision and, if necessary, have the Commissioner's decision reviewed by a Taxation Board of Review or a court.

Clause 14 : Refunds for tax paid on excluded debits

By the scheme of the tax, a bank is to be required to pay tax on taxable debits made to taxable accounts (i.e., accounts for which a certificate of exemption is not in force). If, in any case where an excluded debit (as defined) is made to a taxable account, the bank concerned has paid tax in respect of that debit, an amount in the nature of a refund of that tax will be permitted to be paid by the Commissioner.

By sub-clause 14(1), the amount to be paid by the Commissioner in the nature of a refund will be paid to the person who properly made application for the payment.

Sub-clause (2) will determine which of the bank or the account holder will be permitted to apply for a refund of tax paid on an excluded debit. If the tax paid has been recovered by the bank from the account holder in accordance with the provision proposed by clause 10, the account holder will be permitted to apply. Conversely, if the bank has not recovered the tax overpaid the bank will be entitled to apply.

Sub-clause (3) specifies the period within which an application for a refund is to be made. By paragraph (a) an application by an account holder is to be made within 3 years after the day on which the tax was paid by him to the bank.

Paragraph (b) requires an application by a bank to be made within 3 years of the day the tax on the excluded debit was paid by the bank to the Commissioner.

Sub-clause (4) requires an applicant for a refund of tax on an excluded debit to furnish adequate information to the Commissioner to enable him to consider the application.

Sub-clause (5) requires the Commissioner to notify an applicant for a refund of tax paid on an excluded debit if he refuses the application. The applicant will then be able to object against the Commissioner's decision and, if necessary, have the Commissioner's decision reviewed by a Taxation Board of Review or a court.

Clause 15 : Special assessments

In the administration of this tax, the Commissioner of Taxation will not generally be required to make an assessment of the amount of tax payable by a bank in respect of taxable debits included in a return lodged by the bank. The tax will normally operate as a "self-assessing" tax and a bank will simply pay to the Commissioner the amount of tax calculated by it on the basis of the monthly return lodged. However, in any case where a bank wishes to dispute the amount of tax payable by it in respect of its return, it may request the Commissioner to make an assessment of the amount of tax payable. The bank will then be able to object against the assessment and pursue its right to have the Commissioner's decision reviewed by a Taxation Board of Review or a court.

Sub-clause 15(1) will enable a bank to request the Commissioner to make an assessment.

By sub-clause (2), the request is to be made within 30 days after the date of lodgment of the return.

Sub-clauses (3) and (4) will require the Commissioner to make the assessment in accordance with the request and to serve notice of the assessment on the bank.

Clause 16 : Default assessments

By sub-clause (1), the Commissioner will be empowered to make an assessment of tax payable by a bank if the bank has failed to furnish a return or has furnished a return which is false, misleading or incomplete.

Sub-clause (2) will similarly empower the Commissioner to make an assessment of tax payable by an account holder, such as in a case where the account holder has falsely obtained a certificate of exemption in respect of an account.

Sub-clause (3) will require the Commissioner to serve notice of an assessment and the tax payable on the bank or the account holder liable to pay the tax, as the case may be.

Clause 17 : Additional tax on default assessments

Sub-clause (1) will impose additional tax on a person liable to pay the tax resulting from a default assessment. The amount of additional tax, in line with provisions in other taxation laws which impose additional tax for failure to comply with a provision of the law or for furnishing false or misleading particulars, will be 200 per cent of the tax payable as a result of the default assessment.

By sub-clauses (2) and (3), the additional tax that would be payable under sub-clause (1), by reason of an act or omission committed by a bank or an account holder, is declared not to be payable in certain cases where prosecutions have been instituted under other provisions in respect of a relevant act or omission. These are cases where prosecutions have been instituted for :

- . a bank failing to lodge a return when required;
- . a bank furnishing any return or information that is false or misleading in a material particular or refusing to answer, or providing a false answer to, a question duly put to it;

- . an account holder of an exempt account failing to notify the Commissioner of an eligible debit made to the account; refusing to furnish information or to answer a question duly asked, or furnishing any information that is false or misleading in a material particular.

Sub-clause (4) will require the Commissioner to give notice of an amount of additional tax payable in the notice of assessment to which the additional tax relates.

By sub-clause (5), the Commissioner is to be given the customary power to remit the whole or a part of any additional tax payable in accordance with the provisions proposed by this clause.

Clause 18 : Amendment of assessments

Sub-clause (1) will give the Commissioner power to amend any assessment in order to correct an error in calculation or a mistake of fact or to prevent avoidance of tax. Subject to other provisions of the clause, an amendment of an assessment is to be required to be made within 3 years after the making of the assessment.

By sub-clause (2), the Commissioner may amend an assessment at any time if the circumstances set out in the sub-clause arise. They are -

- . pending any appeal to a court or review by a Taxation Board of Review;
- . where the amendment is to give effect to the decision of a Board of Review or a court;
- . where the amendment results from the allowance of an objection against the assessment;
- . where the person assessed to tax did not make a full and true disclosure to the Commissioner of all material facts for purpose of the making of the assessment and there has been a consequent avoidance of tax.

Sub-clause (3) specifies that an amount that is, by reason of an amended assessment, overpaid by a bank can only be refunded to the bank if the bank has not recovered the tax from an account holder or, if the tax has been so recovered, the Commissioner is satisfied that the amount recovered will be refunded to the account holder.

Sub-clause (4) specifies that an overpayment of tax as a result of an amendment of an assessment of an account holder's liability is to be refunded to the account holder.

Sub-clause (5) will require the Commissioner to serve notice of an amended assessment on the person concerned.

Sub-clause (6) is a technical measure to ensure that an amended assessment will be treated as an assessment for all purposes of the proposed legislation.

Sub-clause (7) is designed to ensure, in effect, that, where an assessment is amended by reason of an act or omission of a person, which act or omission would, in the absence of an assessment, warrant the making of a default assessment, the amended assessment is to be regarded as a default assessment and accordingly, subject to the additional tax to be provided by clause 17.

Clause 19 : Validity of assessments

Clause 19 is a provision customary in taxation Acts and declares that an assessment is valid notwithstanding that a provision of the Act has not been complied with. The purpose of the provision is to ensure that in any objection or dispute relating to an assessment, the objector can only challenge the correctness of the assessment and not any act or omission of the Commissioner in the making of the assessment.

PART V - OBJECTIONS, REVIEWS AND APPEALS

(Clauses 20 to 33)

These clauses contain machinery provisions, of a kind customary in taxation Acts, to enable a person who is called upon to pay tax to challenge that liability. It is to be provided that a person (referred to as the "objector") who is dissatisfied with an assessment or a prescribed decision made by the Commissioner may object against that assessment or decision. The Commissioner will then be required to consider the objection and may either allow it, allow it in part or disallow it. If the objector is dissatisfied with the decision of the Commissioner in relation to the objection, the objector will be permitted to have the decision on the objection reviewed by a Taxation Board of Review or to have the objection treated as an appeal and forwarded to a specified Supreme Court. If a question of

law is involved, the Commissioner or the objector will be able to appeal to a Supreme Court against a decision of a Board of Review. Appeals to higher courts will also be permitted upon leave to appeal being granted by the higher court.

A "prescribed decision", against which a bank or an account holder may lodge an objection, is defined by clause 20.

Paragraphs (a), (b) and (c) of clause 20 specify that decisions of the Commissioner to refuse to issue a certificate of exemption, to revoke such a certificate or specifying the period for which a certificate is to be in force are to be prescribed decisions.

By paragraphs (d) and (e) of the clause, decisions of the Commissioner relating to applications for refunds of tax overpaid are also to be prescribed decisions.

In broad terms, the subject matter of clauses 21 to 33 is as follows:-

Clause 21: confers jurisdiction on the Supreme Courts of the Australian Capital Territory and the Northern Territory to hear proceedings instituted in respect of prescribed decisions or assessments made in relation to respective Territory residents.

Clause 22: permits a person ("objector") who is dissatisfied with a prescribed decision or an assessment to object within 60 days against that decision or assessment.

Clause 23: enables an objector, upon payment of a fee of \$2, to request that the Commissioner's decision on the objection be referred to a Board of Review for review or that the objection be treated as an appeal and forwarded to a specified Supreme Court. In this clause it is specified that, in any such reference or appeal, the objector is to be limited to the grounds stated in his objection and the burden of providing that the prescribed decision is incorrect or that the assessment is excessive lies on the objector.

Clause 24: declares that a Board of Review is to have all the powers and functions of the Commissioner for the purpose of reviewing decisions referred to it. However, a Board of Review will not have power to review decisions of the Commissioner relating to the remission of the 20 per cent per annum penalty tax for late payment of tax.

Clause 25: requires a Board of Review to give its decision and, where requested, its findings of fact and its reasons in law for the decision in writing.

Clause 26: authorises a single judge of a Supreme Court to hear and determine an appeal. A Supreme Court may state a case for the opinion of the Federal Court of Australia.

Clause 27: allows an appeal by the objector or by the Commissioner from a decision of a Board of Review that involves a question of law. This clause will also permit a Board of Review to refer a question of law to a Supreme Court.

Clause 28: limits the right of appeal from a decision of a Supreme Court to higher courts unless the Federal Court of Australia grants leave to appeal to that Court or the High Court grants special leave to appeal.

Clause 29: determines that High Court Rules in force immediately before the commencement of the proposed legislation are to govern Supreme Court proceedings.

Clause 30: specifies that tax and additional tax payable may be recovered by the Commissioner, notwithstanding that a reference to a Board of Review or an appeal or reference to a Supreme Court is pending.

Clauses 31 and 32: relate to the situation where, as a result of an objection or an appeal, a prescribed decision or an assessment has been varied by a Board of Review or a court. The clauses will require notice of the variation to be given to the objector by the Commissioner and appropriate adjustments to be made regarding any tax overpaid or underpaid as a result of the variation.

Clause 33: is intended to give evidentiary value to certain documents and copies of documents produced under the hand of the Commissioner in connection with proceedings before a Board of Review or a court.

PART VI - RECOVERY OF TAX
(Clauses 34 to 37)

By these provisions, tax that a bank or other person is liable to pay is required to be paid to the Commissioner and additional (penalty) tax for late payment of tax is to be imposed. In broad terms, the subject matter of each clause is as follows :

Clause 34: will require tax imposed to be paid to the Commissioner and will give the Commissioner or a Deputy Commissioner authority to sue in his official name for the recovery of tax in a court of competent jurisdiction.

Clause 35: will authorise the Commissioner to grant an extension of time for payment of tax.

Clause 36: will impose additional tax at the rate of 20 per cent per annum by way of penalty for late payment of tax. The Commissioner is to have a limited power to remit the additional tax (consistent with his proposed revised power of remission of additional tax for late payment of income tax).

Clause 37: is intended to give evidentiary value to certain documents and copies of documents produced under the hand of the Commissioner in connection with proceedings for the recovery of unpaid tax.

PART VII - PENAL PROVISIONS
(Clauses 38 to 43)

These provisions, also customarily found in taxation Acts, deal with offences and penalties for breaches of the proposed legislation.

Clause 38: proposes the creation of offences for failure of a person to comply with a proper requirement of the Commissioner to furnish information (maximum penalty on conviction: \$2,000) and for furnishing a return or other information that is false or misleading in a material particular (maximum penalty on conviction: \$5,000 and, in addition, a court may order a person convicted to pay to the Commissioner an amount equal to double the amount of tax that would have been avoided if the return or information had been accepted as being correct).

Clause 39: will enable a court to order a person convicted for failure to comply with a lawful requirement to comply with that requirement. The maximum penalty for failure to comply with a court order so given is to be \$5,000 or 1 year imprisonment, or both, for a natural person and \$25,000 for a company. This clause also proposes that a prosecution for the offence may be instituted in a court of summary jurisdiction. But for this provision, the Acts Interpretation Act 1901 would require a person charged with an offence carrying a maximum penalty in excess of six month's imprisonment to be tried on indictment.

Clause 40: proposes the creation of several offences related to forging or falsifying a certificate of exemption. The maximum penalty for such an offence is to be \$10,000 or 2 years imprisonment, or both.

Clause 41: proposes that a person who obstructs or hinders an officer in the discharge of his lawful duties is to be guilty of an offence and liable to a maximum penalty of \$2,000 or 6 months imprisonment, or both.

Clause 42: specifies that a prosecution for an offence against the proposed legislation may be commenced at any time. In the absence of this provision, a prosecution for an offence would, by virtue of section 21 of the Crimes Act 1914, generally be required to be commenced within 12 months of the commission of the offence.

Clause 43: will make it clear that the payment of penalties does not relieve a person from liability to pay any tax under the provisions of the Bill.

PART VIII - PROSECUTIONS(Clauses 44 to 55)

These provisions will govern the institution and conduct of certain prosecutions for offences against the proposed legislation. The prosecutions are those for the recovery of a pecuniary penalty only. Broadly, the subject matter of each of the clauses is as follows :

Clause 44: specifies that a prosecution to which the provisions apply is one for the recovery of a pecuniary penalty.

Clause 45: will permit a prosecution to be instituted in the name of the Commissioner or a Deputy Commissioner in a court of summary jurisdiction.

Clause 46: will allow an appeal to a higher court to be made from a conviction or an order of dismissal made by a court of summary jurisdiction in the manner provided in the law of the relevant State or Territory.

Clause 47: declares that all informations, summonses, convictions or warrants will be valid if the offence is expressed as nearly as practicable in the words of the Act.

Clause 48: specifies that no objection is to be allowed for informality of summonses or informations, but that the court may make necessary amendments or, if it appears to it that a defect may have misled the defendant, adjourn the case for later hearing.

Clause 49: specifies that a conviction, warrant of commitment or other proceeding is not to be quashed by reason of any defect or want of form.

Clause 50: will deem offences relating to the furnishing of returns and other information to have been committed at either the place where the return or information was required to be furnished or at the usual or last-known place of business or residence of the defendant. The defendant may be charged as having committed the offence at either of those places.

Clause 51: specifies that a witness called on behalf of the Crown will not be compelled to disclose confidential sources of information, to produce any report containing confidential information or to disclose the fact that he received any information or the nature of any information.

Clause 52: will permit prima facie evidence of matters of fact to be adduced by averment of the prosecutor or plaintiff. Evidence may not be given by averment in relation to a defendant's intent.

Clause 53: will deem a prosecution instituted by an officer in the name of the Commissioner or a Deputy Commissioner to be instituted with proper authority, unless the contrary is proved.

Clause 54: will allow the Commissioner or a Deputy Commissioner to be represented in court by a barrister or solicitor or by an officer authorised to appear.

Clause 55: will permit a court to award costs against any party to a prosecution proceeding.

PART IX - MISCELLANEOUS

Clauses 56 to 62 make provision in relation to a number of miscellaneous matters.

Clause 56 : Return in relation to exempt accounts

To enable appropriate control to be exercised by the Taxation Office over the proposed system of certificates of exemption, it is proposed by this clause that a bank be required to furnish to the Commissioner an annual return setting out details of exempt accounts kept by the bank during the year.

Sub-clause 56(1) will require a bank to furnish a return to the Commissioner within 2 months after the end of each year containing, in alphabetical order, the name and address of every person who was the holder of an exempt account kept with the bank during the year.

By sub-clause (2) a bank, with the agreement of the Commissioner, will be permitted to furnish the information required in a return of exempt accounts by way of an electronic medium.

The maximum penalty for a failure to comply with these requirements is to be \$2,000.

Clause 57 : Representative officers, etc., of banks

By this clause a bank is required to be represented, for the purposes of the proposed legislation, by specified officers of the bank.

Sub-clause (1) will require a bank which carries on banking business in Australia to appoint, and to maintain the appointment of, one or more representative officers to represent the bank in matters connected with the proposed legislation. A bank is to be required to make the appointment of a representative officer within 1 month after the commencement of this Act or after the day on which the bank commences to carry on banking business in Australia, whichever is the later.

Sub-clause (2) will require a bank to notify the Commissioner of the appointment or termination of the appointment of a representative officer and the address for service of notices on the representative officer, within 7 days of the appointment or termination.

The maximum penalty payable on conviction of an offence against the provisions proposed by sub-clause (1) or (2) is \$50 for each day during which the offence continues.

Sub-clause (3) will permit a bank to notify a change of address in relation to a representative officer.

Sub-clause (4) sets out requirements to be observed by a bank in relation to the signing of returns lodged by the bank. It is to be required that a return be signed by either a representative officer of the bank or by a senior officer of the bank or a senior officer of a branch of the bank, as appropriate. It is also to be a requirement that a return lodged by a bank will specify an address for service of documents relating to that return.

Unless these requirements are complied with, the return lodged will be deemed not to be a valid return.

By sub-clause (5), service of a document on a bank at the latest address notified for a representative officer or at the address specified in a return lodged, will be deemed to be effective service for the purposes of the proposed legislation.

The remaining clauses (clauses 58 to 62) of the Bill are modelled on corresponding provisions in other taxation Acts. In broad terms, the subject matter of each clause is as follows :

Clause 58: will require an officer duly authorised by the Commissioner to be given access, at reasonable times, to all books, records and other documents held by any person.

Clause 59: will enable the Commissioner to require, in writing, any person to furnish any information, to attend before him and answer questions, on oath or otherwise, or to produce any books, documents or other records in the person's custody.

Clause 60: proposes the necessary appropriation of the Consolidated Revenue Fund for the purpose of enabling refunds of tax or other payments required to be made by the Commissioner under the proposed legislation.

Clause 61: will deem service of a notice or document on a member of a partnership or on the committee of management of an unincorporated association or other body of persons to be adequate service of that notice or document on each member of the partnership, association or body.

Clause 62: will authorise the Governor-General to make regulations prescribing matters permitted to be prescribed or necessary or convenient for administering the Act.

BANK ACCOUNT DEBITS TAX BILL 1982

The purpose of this Bill is to formally impose bank account debits tax and to declare the rates at which the tax is payable.

Clause 1 : Short title

By this clause the Act is to be cited as the Bank Account Debits Tax Act 1982.

Clause 2 : Commencement

Clause 2 declares that the Act will come into operation on the day on which it receives the Royal Assent.

Clause 3 : Incorporation

This clause requires the proposed Act to be incorporated and read as one with the Bank Account Debits Tax Administration Act 1982.

Clause 4 : Imposition of tax

Paragraph (a) will impose tax on each taxable debit made by a bank on or after 1 January 1983 to a taxable account. (Tax imposed by this paragraph will be payable on a monthly basis by the bank.)

Paragraph (b) will impose tax on each eligible debit made by a bank on or after 1 January 1983 to an exempt account, i.e., when a bank debits an account for which a certificate of exemption is in force and the debit did not result from a transaction of the kind for which the certificate was issued. (The tax imposed in these circumstances will be payable by the account holder.)

Paragraph (c) will impose tax on each eligible debit made on or after 1 January 1983 to a cheque account kept with an overseas bank by a resident of Australia where it can be concluded on objective grounds that the debit was made to that account for the purpose, or purposes that include the purpose, of avoiding tax that would have been payable if the debit had been made to a cheque account in Australia. (The tax imposed in these cases will also be payable by the account holder.)

Clause 5 : Amount of tax

This clause will determine the amount of tax to be imposed in respect of a debit to a cheque account by reference to the amount of the debit. The amount of tax is specified in the Schedule to the Bill, as follows :

<u>Amount of debit</u>	<u>Amount of tax</u>
Less than \$100	10¢
Not less than \$100 but less than \$500	25¢
Not less than \$500 but less than \$5,000	50¢
\$5,000 or more	\$1

ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) AMENDMENT BILL 1982

This Bill proposes an amendment to the Administrative Decisions (Judicial Review) Act 1977 that is consequential upon the proposed enactment of the Bank Account Debits Tax Administration Bill 1982.

Clause 1 : Short title, &c.

By this clause, the amending Act is to be cited as the Administrative Decisions (Judicial Review) Amendment Act 1982 and a reference to the Principal Act in the amending Act is to be read as a reference to the Administrative Decisions (Judicial Review) Act 1977.

Clause 2 : Commencement

By this clause, the amending Act will come into operation at the same time as the Bank Account Debits Tax Administration Act 1982 comes into operation.

Clause 3 : Schedule 1

This clause proposes an amendment to Schedule 1 of the Principal Act to exclude from review under the Administrative Decisions (Judicial Review) legislation decisions made by the Commissioner of Taxation under the proposed Bank Account Debits Tax Administration Act 1982. That exclusion reflects the fact that persons who dispute a prescribed decision or an assessment made under the proposed legislation are to be given statutory rights of objection and appeal modelled on those that apply for income tax purposes.

