



COMMISSIONER'S PRACTICE TAA 7.0

WAIVER OF TAX

Commissioner's Practice History

Commissioner's Practice	Issued	Dates of effect	
		From	To
TAA 7.0	26 November 2003	26 November 2003	30 June 2008

This Commissioner's practice addresses the circumstances when the Commissioner will waive the payment of tax (or another amount payable under a taxation Act) of less than \$20.00.

Background

Section 56 of the *Taxation Administration Act 2003* ("TAA") allows the Commissioner to waive the payment of tax or another amount payable under a taxation Act up to a prescribed limit.

Regulation 6 of the *Taxation Administration Regulations 2003* prescribes the limit to be \$20.00.

Section 17C of the *Stamp Act 1921* ("Stamp Act") provides for the endorsing of instruments when:

- duty is paid on an instrument;
- penalty tax or any other amount payable is paid;
- duty or another amount payable under the Stamp Act is waived;
- an instrument is assessed as being not chargeable with duty;
- an instrument is exempted from duty; or
- a reduction is allowed in the duty payable on an instrument.

Commissioner's Practice

1. Stamp duty, and any applicable penalty tax and interest, is to be waived where the total amount included in an assessment notice is less than \$5.00.

2. Stamp duty, and any applicable penalty tax and interest, will not be waived where the total amount to be included in an assessment notice is \$5.00 or more, despite the fact that the duty payable on one or more individual instruments may be less than \$5.00.
3. Where a document is being stamped at the Office of State Revenue or Clerk of Courts and payment is being made on an immediate basis, stamp duty and any applicable penalty tax will not be waived.
4. Land tax, penalty tax and interest will only be waived where the total amount payable by a taxpayer is less than \$20.00 and the Commissioner is satisfied that the taxpayer will have no liability in the next year of assessment.
5. The Commissioner will only waive:
 - tax payable under the *Pay-roll Tax Assessment Act 2002*;
 - stamp duty payable by way of a return under the *Stamp Act 1921*;
or
 - tax payable under the *Debits Tax Assessment Act 2002*,

where the total amount payable by a taxpayer (including any applicable penalty tax and interest payable under the TAA) is less than \$20.00 and the Commissioner is satisfied that the taxpayer will have no future liability.

Date of Effect

This Commissioner's practice takes effect from 26 November 2003.

Bill Sullivan
COMMISSIONER OF STATE REVENUE

26 November 2003