



REVENUE RULING

DA 3.0

DUTIES LODGMENT OF INSTRUMENTS THAT EFFECT OR EVIDENCE A DUTIABLE TRANSACTION THAT ARE REQUIRED TO BE LODGED IN OTHER JURISDICTIONS

RULING HISTORY

Revenue Ruling	Issued	Effective Dates	
		From	To
DA 3.0	July 2008	July 2008	7 January 2016

This revenue ruling only applies to transactions entered into on or after 1 July 2008. Revenue Ruling SD 12 applies to instruments executed and transactions entered into on or before 30 June 2008.

INTRODUCTION

1. Section 3 of the *Duties Act 2008* (“Duties Act”) defines a “transaction record” as including an instrument that effects or evidences a dutiable transaction.
2. Section 23 of the Duties Act sets out the required time period in which instruments in hard copy form that effect or evidence dutiable transactions must be lodged.
3. Section 26(1)(b) of the *Taxation Administration Act 2003* (“TAA”) creates a liability to pay penalty tax where a taxpayer does not lodge an instrument as required by the Duties Act. Section 29 of the TAA provides the Commissioner with the power to remit penalty tax wholly or in part.
4. Commissioner’s Practice TAA 18 sets out the circumstances where penalty tax will be remitted when a transaction record is lodged outside the required period.
5. This revenue ruling identifies the procedures to allow the duty endorsement of the original instrument where that instrument cannot be lodged within the required time period due to it having to be lodged in another jurisdiction.

RULING

6. Where the original instrument cannot be produced within the required period, but a duplicate, copy (includes a photocopy) or counterpart (includes a photocopy) of that instrument is lodged within the required period, an assessment notice will be issued on the basis of the information shown in the duplicate, copy or counterpart.
7. Any penalty tax that may arise under section 26 of the TAA because the original instrument was not lodged for duty endorsement within the required time period, will be fully remitted provided the duty assessed in relation to the duplicate, copy or counterpart is paid by the due date.

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