

Taxation (Urgent Measures) Act 2005

Public Act 2005 No 121
Date of assent 21 December 2005
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Taxation (Urgent Measures) Act 2005.

2 Commencement

This Act comes into force on the day on which it receives the Royal assent.

Part 1

Amendments to Income Tax Act 2004

3 Income Tax Act 2004

This Part amends the Income Tax Act 2004.

4 New sections CV 3 and CV 4 added

After section CV 2, the following is added:

“CV 3 Australian wine producer rebate

An amount of Australian wine producer rebate derived by a New Zealand resident wine producer is income of the wine producer.

“Defined in this Act: amount, Australian wine producer rebate, income, New Zealand resident

“CV 4 Regulations: Australian wine producer rebate

“Order in Council

“(1) For the purpose of enabling the Commissioner to administer the entitlement of New Zealand resident wine producers to Australian wine producer rebates in respect of wine produced in New Zealand, the Governor-General may from time to time, by Order in Council, make regulations relating to—

- “(a) the claim by a New Zealand resident wine producer for payment of an Australian wine producer rebate in respect of wine produced in New Zealand that is sold in Australia:
- “(b) the approval or verification of the entitlement of a New Zealand resident wine producer to a payment of an Australian wine producer rebate:
- “(c) any matter necessary to give effect to a provision relating to Australian wine producer rebates in the agreement for the time being in force between the Government of New Zealand and the Government of Australia for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

“Force and effect

- “(2) An Order in Council under subsection (1)—
 - “(a) has force and effect despite any provision in this Act or any other Inland Revenue Act:
 - “(b) may come into force On or after 1 July 2005:
 - “(c) may apply for Australian financial years commencing on or after 1 July 2005.

“Definitions

- “(3) In this section,—
 - “**Australian financial year** means a year starting on and including 1 July
 - “**wine** has the meaning given in section 31-1 of A New Tax System (Wine Equalisation Tax) Act 1999 (Aust), as amended from time to time, and regulations made under that Act.
- “Defined in this Act: amount, Australian financial year, Australian wine producer rebate, Inland Revenue Acts, New Zealand resident, wine”

5 Calculation of subpart KD credit

- (1) In section KD 2(6),—
 - (a) in paragraph (a) of the definition of **full-year abatement**,—
 - (i) “\$27,500” is replaced by “\$35,000” ; and
 - (ii) “30 cents” is replaced by “20 cents”:
 - (b) in paragraph (b) of the definition of **full-year abatement**,—

- (i) “\$27,500” is replaced by “\$35,000” ; and
 - (ii) “30 cents” is replaced by “20 cents”.
- (2) Subsection (1) applies for the 2006–07 and subsequent tax years.

6 Definitions

In section OB 1, after the definition of **Australian imputation credit account company**, the following is inserted:

“**Australian wine producer rebate** means a producer rebate (under A New Tax System (Wine Equalisation Tax) Act 1999 (Aust), as amended from time to time, and regulations made under that Act) that relates to wine exported from New Zealand on or after 1 July 2005”.

7 Schedule 12—Amount that, for purposes of section KD 5(6), is deemed to be equivalent of an annual amount

- (1) Schedule 12 is replaced by the schedule 12 in the schedule of this Act.
- (2) Subsection (1) applies for the 2006–07 and subsequent tax years.

Part 2

Amendments to Tax Administration Act 1994

8 Tax Administration Act 1994

This Part amends the Tax Administration Act 1994.

9 Interpretation

In section 3(1), in the definition of **tax**, after paragraph (a), the following is inserted:

- “(ab) for the purposes of the application of this Act in relation to a regulation made under section CV 4 of the Income Tax Act 2004, includes an Australian wine producer rebate.”.

10 New section 4B inserted

After section 4A, the following is inserted:

“4B Application of Act in relation to Australian wine producer rebate

- “(1) This section governs the application of this Act in relation to the rights and obligations of a person under a regulation made under section CV 4 of the Income Tax Act 2004, which relates to Australian wine producer rebates.
- “(2) This Act applies to the rights and obligations as if—
- “(a) a person’s claim for approval in respect of an Australian wine producer rebate were an application made by the person to the Commissioner for registration in respect of the administration of a tax imposed by an Inland Revenue Act:
 - “(b) a person’s claim for a payment of an Australian wine producer rebate were an application by the person to the Commissioner for a refund of a tax imposed by an Inland Revenue Act:
 - “(c) a decision concerning an entitlement of the person to a payment of an Australian wine producer rebate were a decision by the Federal Commissioner of Taxation for Australia concerning an entitlement of the person to a refund of a tax imposed by the Commonwealth of Australia:
 - “(d) a payment to the person of an Australian wine producer rebate were a refund by the Federal Commissioner of Taxation for Australia of a tax imposed by the Commonwealth of Australia.”

11 New section 85J inserted

After section 85I, the following is inserted:

“85J Disclosure of information for administration of Australian wine producer rebate

- “(1) The purpose of this section is to facilitate the exchange of information between the Commissioner and the Australian Taxation Office and the New Zealand Customs Service for the purpose of administering the entitlements of New Zealand resident wine producers to Australian wine producer rebates.
- “(2) For the purposes of subsection (1), the Commissioner may at any time provide all information referred to in subsection (3) to a person who is—

- “(a) an officer, employee, or agent of the Australian Taxation Office or the New Zealand Customs Service; and
 - “(b) authorised to receive the information by the chief executive officer of the Australian Taxation Office or the New Zealand Customs Service.
- “(3) The information that may be provided under subsection (2) is all information relevant to—
- “(a) the claim by a New Zealand resident wine producer for payment of an Australian wine producer rebate in respect of wine produced in New Zealand that is sold in Australia:
 - “(b) the approval or verification of the entitlement of a New Zealand resident wine producer to a payment of an Australian wine producer rebate.”

Schedule

s 7

New schedule 12 of the Income Tax Act 2004

Schedule 12

s KD 5(6)

Amount that, for purposes of section KD 5(6), is deemed to be equivalent of an annual amount

<i>Column 1</i>	<i>Column 2</i>
Amount that, in relation to any application for a certificate of entitlement to a credit of tax, is the annual amount	Amount that, for purposes of section KD 5, is treated as being equivalent to the annual amount
	\$
Amount does not exceed \$35,000	35,000
Amount exceeds \$35,000 but does not exceed \$36,500	36,500

Amount exceeds \$36,500 but does not exceed \$38,000	38,000
Amount exceeds \$38,000 but does not exceed \$39,500	39,500
Amount exceeds \$39,500 but does not exceed \$41,000	41,000
Amount exceeds \$41,000 but does not exceed \$42,500	42,500
Amount exceeds \$42,500 but does not exceed \$44,000	44,000
Amount exceeds \$44,000 but does not exceed \$45,500	45,500
Amount exceeds \$45,500 but does not exceed \$47,000	47,000
Amount exceeds \$47,000 but does not exceed \$48,500	48,500
Amount exceeds \$48,500 but does not exceed \$50,000	50,000
Amount exceeds \$50,000 but does not exceed \$51,500	51,500
Amount exceeds \$51,500 but does not exceed \$53,000	53,000
Amount exceeds \$53,000 but does not exceed \$54,500	54,500
Amount exceeds \$54,500 but does not exceed \$56,000	56,000
Amount exceeds \$56,000 but does not exceed \$57,500	57,500

Amount exceeds \$57,500 but does not exceed \$59,000	59,000
Amount exceeds \$59,000 but does not exceed \$60,500	60,500
Amount exceeds \$60,500 but does not exceed \$62,000	62,000
Amount exceeds \$62,000 but does not exceed \$63,500	63,500
Amount exceeds \$63,500 but does not exceed \$65,000	65,000
Amount exceeds \$65,000 but does not exceed \$66,500	66,500
Amount exceeds \$66,500 but does not exceed \$68,000	68,000
Amount exceeds \$68,000 but does not exceed \$69,500	69,500
Amount exceeds \$69,500 but does not exceed \$71,000	71,000
Amount exceeds \$71,000 but does not exceed \$72,500	72,500
Amount exceeds \$72,500 but does not exceed \$74,000	74,000
Amount exceeds \$74,000 but does not exceed \$75,500	75,500
Amount exceeds \$75,500 but does not exceed \$77,000	77,000
Amount exceeds \$77,000 but does not exceed \$78,500	78,500

Amount exceeds \$78,500 but does not exceed \$80,000	80,000
Amount exceeds \$80,000 but does not exceed \$81,500	81,500
Amount exceeds \$81,500 but does not exceed \$83,000	83,000
Amount exceeds \$83,000 but does not exceed \$84,500	84,500
Amount exceeds \$84,500 but does not exceed \$86,000	86,000
Amount exceeds \$86,000 but does not exceed \$87,500	87,500
Amount exceeds \$87,500 but does not exceed \$89,000	89,000
Amount exceeds \$89,000 but does not exceed \$90,500	90,500
Amount exceeds \$90,500 but does not exceed \$92,000	92,000
Amount exceeds \$92,000 but does not exceed \$93,500	93,500
Amount exceeds \$93,500 but does not exceed \$95,000	95,000
Amount exceeds \$95,000 but does not exceed \$96,500	96,500
Amount exceeds \$96,500 but does not exceed \$98,000	98,000
Amount exceeds \$98,000 but does not exceed \$99,500	99,500

Amount exceeds \$99,500 but does not exceed \$101,000	101,000
Amount exceeds \$101,000 but does not exceed \$102,500	102,500
Amount exceeds \$102,500 but does not exceed \$104,000	104,000
Amount exceeds \$104,000 but does not exceed \$105,500	105,500
Amount exceeds \$105,500 but does not exceed \$107,000	107,000
Amount exceeds \$107,000 but does not exceed \$108,500	108,500
Amount exceeds \$108,500 but does not exceed \$110,000	110,000
Amount exceeds \$110,000 but does not exceed \$111,500	111,500
Amount exceeds \$111,500 but does not exceed \$113,000	113,000
Amount exceeds \$113,000 but does not exceed \$114,500	114,500
Amount exceeds \$114,500 but does not exceed \$116,000	116,000
Amount exceeds \$116,000 but does not exceed \$117,500	117,500
Amount exceeds \$117,500 but does not exceed \$119,000	119,000

Amount exceeds \$119,000 but
does not exceed \$120,500

120,500

Amount exceeds \$120,500

the number of complete dollars
comprised in the annual amount

Legislative history

13 December 2005

Divided from Taxation (Annual Rates and Urgent
Measures) Bill (Bill 1-2), third reading
