



# Taxation (Disaster Relief) Act 2004

Public Act 2004 No 4  
Date of assent 17 March 2004  
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

### 1 Title

This Act is the Taxation (Disaster Relief) Act 2004.

### 2 Commencement

- (1) This Act comes into force on the date on which it receives the Royal assent, except as provided in this section.
- (2) Sections 4 to 6 and section 8(2) are treated as coming into force on 1 February 2004.

## Part 1

### Amendments to Income Tax Act 1994

#### 3 Income Tax Act 1994

This Part amends the Income Tax Act 1994.

**4 Estimated provisional tax**

(1) After section MB 3(6), the following is added:

“(7) This section is subject to section MB 3B.”

(2) Subsection (1) is treated as coming into force on 1 February 2004.

**5 New section MB 3B inserted**

(1) After section MB 3, the following is inserted:

**“MB 3B Provisional taxpayer affected by qualifying event**

“(1) This section applies to a taxpayer who is significantly affected by a qualifying event.

“(2) A taxpayer to whom this section applies may, despite the provisions of section MB 3(1), request the Commissioner to accept an estimate or a revised estimate of the residual income tax payable by the taxpayer in respect of an income year.

“(3) The Commissioner may, despite section MB 3(1), accept an estimate or a revised estimate of residual income tax payable by a taxpayer to which this section applies in respect of an income year if the Commissioner is satisfied that—

“(a) the taxpayer is significantly affected by a qualifying event; and

“(b) an effect on the taxpayer of the occurrence of a qualifying event is that—

“(i) it is not reasonable to require the taxpayer to deliver an estimate or a revised estimate of residual income tax payable by the taxpayer in respect of the income year in accordance with section MB 3(1):

“(ii) the basis on which the taxpayer has chosen to pay provisional tax is now inappropriate; and

“(c) the taxpayer requested acceptance of the estimate or revised estimate as soon as practicable.

“(4) The effect of a revised estimate accepted under subsection (3) is that the revised estimate must be treated as the estimate applying on the third instalment date.”

(2) Subsection (1) is treated as coming into force on 1 February 2004.

## 6 Definitions

In section OB 1, after the definition of qualifying debenture, the following is inserted:

“**qualifying event**, in section MB 3B, means—

- “(a) the extreme climatic conditions which occurred during the month of February 2004 in New Zealand:
- “(b) any naturally occurring event which occurs in a subsequent year in respect of which a state of emergency is declared under Part 4 of the Civil Defence Emergency Management Act 2002 and which the Governor-General by Order in Council declares to be a qualifying event”.

## Part 2

### Amendments to Tax Administration Act 1994

#### 7 Tax Administration Act 1994

This Part amends the Tax Administration Act 1994.

#### 8 New section 183ABA inserted

(1) After section 183A, the following is inserted:

“**183ABA Remission in circumstances of qualifying event**

- “(1) This section applies when the Commissioner considers a taxpayer is significantly affected by a qualifying event as defined in section OB 1 of the Income Tax Act 1994.
- “(2) If this section applies and an affected taxpayer is liable to a late filing penalty or a non-electronic filing penalty, or is liable to pay a late payment penalty, or has been charged with interest under Part 7, the affected taxpayer may request the Commissioner to remit the penalty or the interest charged.
- “(3) The Commissioner may remit the penalty and interest referred to in subsection (2) if the Commissioner is satisfied that—
  - “(a) the effect on the taxpayer of the occurrence of the qualifying event makes it equitable that the penalty or interest be remitted; and
  - “(b) the taxpayer applied for the remission as soon as practicable.
- “(4) For the purposes of this section and section MB 3B of the Income Tax Act 1994, the Governor-General may, from time to time, by Order in Council declare an event in respect of which a state of emergency has been declared under Part 4 of

the Civil Defence Emergency Management Act 2002 to be a qualifying event.

- “(5) An Order in Council made under subsection (4) may relate to an event that occurred after the commencement of this Act and before the commencement of the Order in Council.”
- (2) Subsection (1) (other than for sections 183ABA(4) and (5)) is treated as coming into force on 1 February 2004.
- (3) Subsection (1) (in relation to sections 183ABA(4) and (5)) comes into force on the date on which this Act receives the Royal assent.

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### Legislative history

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| 16 March 2004 | Introduction, first reading, second reading, third reading (Bill 107-1) |
| 17 March 2004 | Royal assent  |

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This Act is administered in the Inland Revenue Department.

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