

# Taxation (Beneficiary Income of Minors, Services-Related Payments and Remedial Matters) Act 2001

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2001 No 4

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Taxation (Beneficiary Income of Minors, Services-Related Payments and Remedial Matters) Act 2001.

**2 Commencement**

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

**Part 1**  
**Amendments to Income Tax Act 1994**

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**3 Income Tax Act 1994**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**4 Principal obligations**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**5 Section BC 2 replaced**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**6 Other exempt income***[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**7 Other exempt income***[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**8 New subpart CHA inserted***[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**9 New sections DJ 20 and DJ 21 inserted***[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**10 Accounting for goods and services tax***[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**11 Election to continue to treat certain excepted financial arrangements as financial arrangements***[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**12 Definitions***[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**13 New section EO 6 inserted***[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**14 Shares or options**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**15 Films**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**16 Films**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**17 New section GC 14F inserted**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**18 Benefit given to associated person of employee**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**19 New section HH 1A inserted**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**20 New sections HH 3A to HH 3F inserted**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**21 New section HI 1A inserted**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**22 Rebate for gifts of money**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**23 Calculation of family tax credit**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**24 New section KD 3B inserted**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**25 Determination of amount of credit in certain cases**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**26 New section LB 1A inserted**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**27 Tax deductions to be credited against tax assessed**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**28 Amounts of tax deductions**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**29 Attributed fringe benefits**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**30 Section ND 4 replaced**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**31 Multi-rate calculation for attributed fringe benefits**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**32 New section ND 5A inserted**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**33 Definition of cash remuneration**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**34 New section ND 7A inserted**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**35 Deduction of resident withholding tax**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**36 New sections NF 2B to NF 2D inserted**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**37 Non-resident withholding tax imposed**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).



**38 Non-resident withholding tax on dividends not paid in money**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**39 Definitions**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**40 Defining when 2 persons are associated persons**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**41 Residence of conduit tax relief company shareholders**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**42 Schedule 14 - Rate of resident withholding tax deductions**

*[Repealed]*

Part 1 (sections 3 to 42) was repealed, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35).

**Part 2  
Amendments to Tax Administration Act  
1994**

**43 Tax Administration Act 1994**

This Part amends the Tax Administration Act 1994.

**44 Interpretation**

- (1) This section amends section 3(1).
- (2) In the definition of **incremental late payment penalty**, “section 139B(2)(b)” is replaced by “section 139B(2B)”.
- (3) In the definition of **initial late payment penalty**, “section 139B(2)(a)” is replaced by “section 139B(2A)”.

- (4) In the definition of **late payment penalty**, in paragraph (b), “183B,” is omitted.
- (5) In the definition of **tax**—
  - (a) paragraph (a)(viii) is repealed:
  - (b) paragraph (d)(vii) is repealed.
- (6) Subsections (2) and (3) apply in respect of late payment penalties imposed on and after 1 April 2002.
- (7) Subsection (4) applies on and after 1 April 2002.
- (8) In subsection (5)—
  - (a) paragraph (a) applies on the date this Act receives the Royal assent:
  - (b) paragraph (b) applies on the first day of the 2001-02 income year.

#### **45 Taxpayer’s tax obligations**

- (1) In section 15B(a), “Correctly” is replaced by “unless the taxpayer is a non-filing taxpayer, correctly”.
- (2) Subsection (1) applies to the 1999-2000 and subsequent income years.

#### **46 Resident withholding tax deduction certificates**

- (1) Section 25(6)(a) is replaced by:  
“(a) the full name, address and tax file number of the payer:”.
- (2) Section 25(6)(g) is replaced by:  
“(g) in respect of interest, the amount that is subject to the deduction of resident withholding tax at the rate specified in—
  - “(i) Schedule 14, clause 1(a), (b), (c), (d), or (e) of the Income Tax Act 1994, unless paragraph (h) applies; or
  - “(ii) Schedule 14, clause 1C(a), (b), (c) or (d) of the Income Tax Act 1994:”.
- (3) Subsection (1) applies on and after the date this Act receives the Royal assent.
- (4) Subsection (2) applies on and after 1 April 2001.

#### **47 Annual income tax returns not required**

- (1) In section 33A(4), “the Commissioner will not” is replaced by “the Commissioner may not”.

- (2) Subsection (1) applies on and after the date this Act receives the Royal assent.

**48 Interest priority and rights of Commissioner**

- (1) Section 120F(2) is replaced by:  
“(2) The Commissioner may apply interest payable by the Commissioner to a taxpayer towards the payment of the taxpayer’s unpaid tax on or after the date the taxpayer furnishes their return of income.”  
(2) Subsection (1) applies on and after 1 April 1998.

**49 Certain rights of objection not conferred**

- (1) In section 125(j)(iv), “183B,” is omitted.  
(2) Subsection (1) applies on and after 1 April 2002.

**50 Certain rights of challenge not conferred**

- (1) In section 138E(1)(e)(iv), “183B,” is omitted.  
(2) Subsection (1) applies on and after 1 April 2002.

**51 Late payment penalty**

- (1) Section 139B(2) is replaced by:  
“(2) The late payment penalty comprises an initial late payment penalty and an incremental late payment penalty.  
“(2A) The initial late payment penalty is—  
“(a) 1% of the unpaid tax; and  
“(b) 4% of the amount of tax to pay at the end of the 6th day after the day on which a penalty is imposed under paragraph (a).  
“(2B) The incremental late payment penalty is 1% of the amount of tax to pay on each day that falls one month after the day on which a penalty is imposed under subsection (2A)(a) or this subsection.”  
(2) Section 139B(3) is replaced by:  
“(3) The part of an initial late payment penalty imposed under subsection (2A)(a) is to be added to the unpaid tax to which it relates on the day after the due date for payment of the unpaid tax.”  
(3) After section 139B(3), the following is inserted:

- “(3A) The part of an initial late payment penalty imposed under subsection (2A)(b) is to be added to the tax to pay to which it relates at the end of the 6th day after the day on which an initial late payment penalty is imposed under subsection (2A)(a).
- “(3B) The part of an initial late payment penalty imposed under subsection (2A)(b) is not to be added if either—
- “(a) the taxpayer has entered into an instalment arrangement with the Commissioner before the due date and complies with all of their obligations under the instalment arrangement; or
  - “(b) the Commissioner has exercised powers available under section 157 of this Act or section 43 of the Goods and Services Tax Act 1985 or any similar tax law before the end of the 6th day after the day on which an initial late payment penalty is imposed under subsection (2A)(a).”
- (4) After section 139B(5), the following is inserted:
- “(5A) An incremental late payment penalty is not to be added if, for a month during which the tax to pay remains unpaid, either—
- “(a) the taxpayer complies with all of their obligations under an instalment arrangement entered into with the Commissioner; or
  - “(b) the Commissioner has exercised powers available under section 157 of this Act or section 43 of the Goods and Services Tax Act 1985 or any similar tax law.”
- (5) Subsections (1) to (3) apply to late payment penalties imposed on and after 1 April 2002.
- (6) Subsection (4) applies to instalment arrangements entered into on and after 1 April 2002.

**52 Evasion or similar act**

- (1) In section 141E(1), the following is inserted after paragraph (d):
- “(da) attempts to obtain a refund or payment of tax, knowing that the taxpayer is not lawfully entitled to the refund or payment under a tax law; or”
- (2) In section 141E(1), at the end of paragraph (e), “law,—” is replaced by “law; or” and the following is added:—

- “(f) attempts to enable another person to obtain a refund or payment of tax, knowing that the other person is not lawfully entitled to the refund or payment under a tax law—”.
- (3) In section 141E(3), “enables” is replaced by “enables or attempts to enable”.
- (4) Subsections (1) to (3) apply to—
  - (a) tax on taxable income derived in the 1997-98 and subsequent income years; and
  - (b) supplies made in taxable periods beginning on or after 1 April 1997; and
  - (c) gifts made on or after 1 April 1997; and
  - (d) races run, lotteries drawn, dutiable games played by means of a gaming machine, and casino wins to which the Gaming Act 1971 applies that occur on or after 1 April 1997; and
  - (e) instruments of conveyance executed, bills of exchange made, drawn or prepaid under section 81, 82 or 83, of the Stamp and Cheque Duties Act 1971 and liable transactions entered into on or after 1 April 1997.
- (5) Subsection (4) does not apply if a taxpayer has been advised by the Commissioner of Inland Revenue, in writing, that the taxpayer will not be liable for a shortfall penalty for evasion or a similar act.

**53 New section 141JA inserted**

- (1) After section 141J, the following is inserted:

**“141JA Application of Part IX to non-filing taxpayers**

Part IX does not apply to a person who is a non-filing taxpayer for an income year if the person—

- “(a) is an employee to whom section NC 16 of the Income Tax Act 1994 applies in the year; and
- “(b) receives an income statement that the person considers is incorrect and informs the Commissioner in the way required by section 80F.”

- (2) Subsection (1) applies to the 1999-2000 and subsequent income years.

**54 Cancellation of late payment penalties under instalment arrangement**

- (1) Section 183B(2)(a)(i) is replaced by:  
“(i) tax payable in one or more payments under an arrangement with the Commissioner; or.”
- (2) Section 183B is repealed.
- (3) Subsection (1) applies on or after 1 April 2001.
- (4) Subsection (2) applies on 1 April 2002.

**55 Cancellation of interest**

- (1) Section 183C(5) is replaced by:  
“(5) If the Commissioner issues both a notice of assessment and a statement of account to a taxpayer and the 30th day referred to in subsection (3) occurs on or before the 15th day referred to in subsection (4), the Commissioner must cancel a taxpayer’s liability to pay interest under Part VII for the period starting on the day after the date on which the notice of assessment is issued and ending on the date on which payment is made if payment is made on or before the 30th day referred to in subsection (3).  
“(6) For the purpose of subsection (5), a payment that is made is a payment of the tax assessed in the notice of assessment, together with any interest payable under Part VII for the period before the date of the notice.”
- (2) Subsection (1) applies to interest cancellations made on and after the date this Act receives the Royal assent.

**56 Refund of tax paid in excess made by direct credit to bank account**

- (1) Section 184A(5)(c) is repealed.
- (2) Subsection (1) applies on the date this Act receives the Royal assent.

**Part 3**

**Amendments to Income Tax Act 1976**

**57 Income Tax Act 1976**

This Part amends the Income Tax Act 1976.

**58 Interpretation**

- (1) In section 374A, in the definition of **qualifying person**, paragraph (c)(i) is replaced by:
- “(i) that person has been both resident and present in New Zealand for a continuous period of 12 months at any time, and is tax resident, being resident in New Zealand, on the date on which a family support credit of tax is claimed under Part XIA; or”.
- (2) Subsection (1) applies to the 1992-93 and 1993-94 income years.
- (3) Despite subsection (2), subsection (1) does not apply if a qualifying person has claimed a family support credit of tax under Part 11A of the Income Tax Act 1976 on or before 16 October 2000.

**59 Guaranteed minimum family income credit of tax**

- (1) In section 374E(1), in the definition of **qualifying person**, paragraph (c)(i) is replaced by:
- “(i) the person has been both resident and present in New Zealand for a continuous period of 12 months at any time, and is tax resident, being resident in New Zealand, on the date on which a credit of tax is claimed under this section; or”.
- (2) Subsection (1) applies to the 1992-93 and 1993-94 income years.
- (3) Despite subsection (2), subsection (1) does not apply if a qualifying person has claimed a credit of tax under section 374E of the Income Tax Act 1976 or section KD 3 of the Income Tax Act 1994 on or before 16 October 2000.

**Part 4  
Amendments to Goods and Services Tax  
Act 1985**

**60 Goods and Services Tax Act 1985**

This Part amends the Goods and Services Tax Act 1985.

**61 Meaning of associated persons**

- (1) Section 2A(1)(g) is replaced by:

- “(g) a trustee of a trust and a settlor of the trust, except if the trustee is a charitable or non-profit body with wholly or principally charitable, benevolent, philanthropic or cultural purposes.”.
- (2) Subsection (1) applies on and after 10 October 2000.

**62 Meaning of term supply**

- (1) In section 5(11D), “services” is replaced by “services, other than a token, stamp or voucher issued for no consideration”.
- (2) In section 5(11E), “issue” is replaced by “issue or sale”.
- (3) After section 5(11E), the following is inserted:
- “(11EA) A supply does not include the issue or sale of a token, stamp or voucher by a registered person to another registered person who subsequently issues or sells the token, stamp or voucher, unless the first-mentioned registered person is the person who supplies the goods and services on redemption of the token, stamp or voucher.”
- (4) Section 5(11F) is replaced by:
- “(11F) A supply of goods and services is not treated as being made to the extent that goods and services are supplied for the redemption of a token, stamp or voucher.”
- (5) Section 5(11G) is replaced by:
- “(11G) Despite subsection (11F), the supplier of a token, stamp or voucher, with a face value may treat the supply of goods and services on the redemption of the token, stamp or voucher instead of the issue or sale, as a supply of goods and services if—
- “(a) it is not practical to treat the issue or sale as a supply of goods and services; and
- “(b) the supplier of the goods and services and the issuer or seller of the token, stamp or voucher are, or could be, different persons, the issuer and the supplier, or the seller and the supplier, agree, or are parties to an agreement.
- “(11GA) For the purpose of subsection (11G)(b), a situation in which it may not be practical to treat the issue or sale as a supply of goods and services includes one in which the issuer or seller of a token, stamp or voucher and the supplier of the



goods and services for which the token, stamp or voucher is redeemed may be different persons.”

- (6) Subsections (1) to (5) apply on and after 10 October 2000.

**63 Zero-rating of goods**

- (1) In section 11(1)(f), “either the supplier or the recipient” is replaced by “both the supplier and the recipient”.
- (2) Subsection (1) applies on and after 10 October 2000.

**64 Calculation of tax payable**

- (1) After section 20(3), the following is inserted:
- “(3A) For the purpose of subsection (3), output tax does not include the tax on the taxable value of a fringe benefit provided or granted to another person under the FBT rules of the Income Tax Act 1994.”
- (2) Subsection (1) applies to fringe benefits provided or granted—
- (a) on and after 1 January 2002, for an employer who pays fringe benefit tax on a quarterly basis; and
  - (b) on and after 1 April 2001, for an employer who pays fringe benefit tax on an annual basis; and
  - (c) during the 2000-01 and subsequent income years, for an employer who pays fringe benefit tax on an income year basis.
- (3) If a fringe benefit is provided or granted before the relevant time in subsection (2) and the tax payable for the taxable period in which the fringe benefit is provided or granted has not yet been paid, a registered person must treat the fringe benefit as one to which subsection (1) applies.

Subsection (3) was amended, by section 269(2) Taxation (Taxpayer Assessment and Miscellaneous Provisions) Act 2001 (2001 No 85), by substituting the expression “subsection (2)” for the expression “subsection (1)” in the first place in which it occurs, with application as from 27 March 2001.

**65 Methods of allocating between taxable and other supplies**

- (1) After section 21A(2), the following is added:
- “(3) A registered person must choose a method that ensures a fair and reasonable result.”
- (2) Subsection (1) applies to goods and services treated as being supplied on and after 10 October 2000.

**66 Methods of allocation for replacement goods and services**

- (1) In section 21B(3)—
  - (a) “either acquires or produces new goods and services or” is inserted after “section 21C(1)(a) and”:
  - (b) in paragraph (a), “acquisition” is replaced by “acquisition or production”:
  - (c) in paragraph (b), “purchase or acquisition” is replaced by “acquisition or production”.
- (2) In section 21B, the section heading is replaced by:  
**“Methods of allocation for new or replacement goods and services”**
- (3) Subsection (1) applies to goods and services treated as being supplied on and after 10 October 2000.
- (4) Subsection (2) applies on and after 10 October 2000.

Subsection (1)(c) was amended, by section 269(3) Taxation (Taxpayer Assessment and Miscellaneous Provisions) Act 2001 (2001 No 85), by substituting the expression “paragraph (b)” for the expression “paragraph (c)”, with application as from 27 March 2001.

**67 Application of section 21F**

- (1) In section 21E(2)(b), “of this Act” is inserted after “section 12(1)”.
- (2) In section 21E(3)(a)(ii), “of the Customs and Excise Act 1996” is omitted.
- (3) Subsections (1) and (2) apply on and after 10 October 2000.

**68 Fringe benefits and entertainment expenses**

- (1) Section 21I(3) is replaced by:
  - “(3) Despite sections 9 and 21C, the supply of goods and services is treated as taking place at the time the fringe benefit is or is deemed to be provided or granted.”
- (2) Subsection (1) applies to fringe benefits provided or granted—
  - (a) on and after 1 January 2002, for an employer who pays fringe benefit tax on a quarterly basis; and
  - (b) on and after 1 April 2001, for an employer who pays fringe benefit tax on an annual basis; and
  - (c) during the 2000-01 and subsequent income years, for an employer who pays fringe benefit tax on an income year basis.

**69 New section 23A inserted**

(1) After section 23, the following is inserted:

**“23A Payment of tax relating to fringe benefits**

A registered person who provides or grants a fringe benefit to another person under the Income Tax Act 1994 must pay the tax on the taxable value of the fringe benefit in the person’s fringe benefit tax return by the time specified in sections ND 9, ND 10, ND 13 and ND 14 of the Income Tax Act 1994 as is appropriate.”

(2) Subsection (1) applies to fringe benefit tax returns due—

- (a) on and after 31 May 2002, for an employer who pays fringe benefit tax on a quarterly or an annual basis; and
- (b) by the terminal tax date for the 2000-01 income year, for an employer who pays fringe benefit tax on an income year basis, and to subsequent fringe benefit tax returns required to be filed on an income year basis.

**70 Recovery of tax**

(1) In section 42(2)(c)—

- (a) “a **body** (as defined in section 57(1))” is replaced by “an unincorporated body”;
- (b) “pursuant to any order by the Court” is omitted.

(2) Subsection (1) applies on and after 10 October 2000.

**Part 5  
Amendments to Stamp and Cheque  
Duties Act 1971**

**71 Stamp and Cheque Duties Act 1971**

This Part amends the Stamp and Cheque Duties Act 1971.

**72 Application of approved issuer levy and zero-rating**

(1) In section 86I, “by the approved issuer” is replaced by “by or on behalf of the approved issuer”.

(2) Section 86I(b) is replaced by:

“(b) by the date specified in either section 86K or section 86KA, or by a later date upon the payment of any interest or penalties imposed under Parts VII or IX of the Tax Administration Act 1994 respectively.”

- (3) Subsection (1) applies on and after 1 August 1991.
- (4) Subsection (2) applies to payments of interest paid on and after the date this Act receives the Royal assent.

Subsection (4) was amended, by section 269(4) Taxation (Taxpayer Assessment and Miscellaneous Provisions) Act 2001 (2001 No 85), by substituting the words “to payments of interest paid on and after” for the word “on”, with application as from 27 March 2001.

**73 Payment of approved issuer levy**

- (1) In section 86K(1), “Any approved issuer” is replaced by “Any approved issuer or person on behalf of an approved issuer”.
- (2) Subsection (1) applies on and after 1 August 1991.

**74 New section 86KA inserted**

- (1) After section 86K, the following is inserted:

**“86KA Payment of approved issuer levy in instalments**

- “(1) If, for an income year, a person estimates that they will not be required to make approved issuer levy payments that total \$500 or more, the person may pay the levy to the Commissioner in 2 instalments.
- “(2) The first instalment is—
  - “(a) the total of all approved issuer levy payments required by or on behalf of an approved issuer during the period 1 April to 30 September (both dates inclusive); and
  - “(b) due and payable on 20 October of the year.
- “(3) The second instalment is—
  - “(a) the total of all approved issuer levy payments required by or on behalf of an approved issuer during the period 1 October to 31 March (both dates inclusive); and
  - “(b) due and payable on 20 April of the following year.
- “(4) If the \$500 total is reached at any time during an income year, a person must—
  - “(a) pay to the Commissioner all approved issuer levy payments owed by the person for the period from the beginning of the year until the end of the month in which the \$500 total is reached;
  - “(b) pay the amount required by paragraph (a) no later than the 20th of the month following the month in which the \$500 total is reached:

- “(c) pay approved issuer levy payments for the rest of the year in accordance with section 86K(1)(b).
- “(5) If a person is no longer required to pay the approved issuer levy, the person must—
  - “(a) pay to the Commissioner all approved issuer levy payments due and not paid:
  - “(b) pay the amount required by paragraph (a) no later than the 20th of the month following the month in which the person stops being required to pay the levy.
- “(6) Payments made in accordance with this section must be accompanied by a statement that meets the requirements of section 86K(2).”
- (2) Subsection (1) applies on and after the date this Act receives the Royal assent.

**75 Relief in cases of serious hardship**

- (1) Section 86M is repealed.
- (2) Subsection (1) applies on the date this Act receives the Royal assent.

## **Part 6 Amendments to Taxation (GST and Miscellaneous Provisions) Act 2000**

**76 Taxation (GST and Miscellaneous Provisions) Act 2000**

- (1) This Part amends the Taxation (GST and Miscellaneous Provisions) Act 2000.
  - (2) Section 60(7)(b) is replaced by:
    - “(b) new paragraph (d) applies to applications for relief made on or after 1 April 2001 under either section 176 or section 177.”
  - (3) Section 80(2) is replaced by:
    - “(2) Subsection (1) applies on and after 1 April 2000.”
  - (4) Sections 86(7), 106(2) and 106(3) are repealed.
  - (5) Subsections (2) and (3) apply on and after 10 October 2000.
  - (6) Subsection (4) applies on 10 October 2000.
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**Legislative history**

16 October 2000	Introduction (Bill 70-1)
19 October 2000	First reading, and referral to Finance and Expenditure Committee
9 March 2001	Reported from Finance and Expenditure Committee (Bill 70-2)
15 March 2001	Second reading
20, 21 March 2001	Committee of the whole House (Bill 70-3)
22 March 2001	Third reading
22 March 2001	Third reading
27 March 2001	Royal assent

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