

NORTHERN TERRITORY OF AUSTRALIA
TAXATION (ADMINISTRATION) AMENDMENT
ACT (NO. 2) 1993

No.60 of 1993

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NORTHERN TERRITORY OF AUSTRALIA

No. 60 of 1993

AN ACT

to amend the *Taxation (Administration) Act*

[Assented to 5 October 1993]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART 1 - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Taxation (Administration) Amendment Act (No. 2) 1993*.

2. COMMENCEMENT

This Act shall come into operation or, as the case may be, shall be deemed to have come into operation, on 1 October 1993.

3. PRINCIPAL ACT

The *Taxation (Administration) Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 4(1) of the Principal Act is amended by omitting the definition of "bill of exchange", "bill of exchange payable on demand", "cheque", "holder", "negotiation" and "promissory note".

5. SECRECY

Section 7 of the Principal Act is amended by adding at the end the following:

"(5) In this section 'this Act' includes the *Business Franchise Act*."

6. CANCELLATION OF STAMPS

Section 14 of the Principal Act is amended by omitting subsection (4).

PART 2 - AMENDMENTS RELATING TO CHEQUES

7. INSTRUMENT ON WHICH NO DUTY IS PAYABLE

Section 17 of the Principal Act is amended by omitting subsection (3).

8. CHEQUES ON AUTHORISED CHEQUE FORMS

Division 2 of Part III of the Principal Act is repealed.

9. SAVINGS AND TRANSITIONAL

(1) Section 24 of the Principal Act as in force immediately before 1 October 1993 continues to apply for the purposes of any return or payment of tax due under the Principal Act as in force before that day.

(2) Sections 24A, 25 and 26 of the Principal Act as in force immediately before 1 October 1993 continue to apply to and in relation to cheques supplied, used or issued before that day and any refund, remission or recovery of tax due under the Principal Act as in force before that day.

PART 3 - MISCELLANEOUS

10. REGISTRAR NOT TO REGISTER UNLESS DUTY PAID

Section 58(1) of the Principal Act is amended by omitting "unless the owner has paid to him" and substituting "unless there has been paid to the Registrar in respect of the registration".

11. REPEAL AND SUBSTITUTION

Section 59 of the Principal Act is repealed and the following substituted:

"59. ASSESSMENT OF MOTOR VEHICLE CERTIFICATE OF REGISTRATION DUTY

"(1) In this section -

'additional equipment' means all equipment not included in the list price which is an integral part of the motor vehicle or added to the motor vehicle before registration and, without limiting the meaning, includes all features actually fitted by the manufacturer or usually fitted by a manufacturer, including air conditioning;

'application for registration' of a motor vehicle includes an application for the transfer of registration;

'dutiable value', in relation to a motor vehicle, means -

(a) in the case of a motor vehicle which has not been previously registered (whether in the Territory or else where in the Commonwealth) and for which there is a list price, the aggregate of -

(i) the list price of the motor vehicle; and

(ii) the price of any item of additional equipment of the motor vehicle not included in the list price (including any sales tax not payable) at the time the application for registration is made;

(b) in the case of a motor vehicle which has been previously registered (whether in the Territory or else where in the Commonwealth) or for which there is no list price -

(i) the total consideration payable by the purchaser, including any deposit, plus any sales tax not paid, trade-in allowance, trade discount and the consideration for all additions made by way of additional equipment; or

(ii) the price at which the motor vehicle, including all equipment and fittings, might reasonably have been sold, free from encumbrances, in the open market at the time of application for registration,

whichever is the greater;

(c) in the case of an application for the transfer of registration, the market value at the time when the transaction to which the application relates was made; or

- (d) in any case, the market value at the time the application for registration is made, whichever is the greater amount;

'list price' means the price fixed by the manufacturer, importer or principal distributor as the retail selling price at Darwin -

- (a) of a motor vehicle, other than a motor truck; or
- (b) in the case of a motor truck, of a cab-chassis of the make and model in question.

"(2) Where a motor vehicle certificate of registration is liable to duty, it shall be assessed on the dutiable value of the motor vehicle and the applicant for registration of the motor vehicle shall declare the dutiable value on an approved form.

"(3) Where an application for registration relates to the transfer of a motor vehicle, the transferor shall notify on the form of application or in another approved manner the amount received as consideration for the transfer.

"(4) Without limiting the generality of subsection (5), The Commissioner may, if not satisfied that -

- (a) the amount declared as the dutiable value of the motor vehicle is the true dutiable value; or
- (b) the amount notified as the consideration for the motor vehicle was the actual consideration,

require the applicant or, as the case may be, transferor to furnish the Commissioner, within the time specified, with such evidence as the Commissioner thinks fit as to that dutiable value or consideration.

"(5) Where, in the opinion of the Commissioner, the amount of the dutiable value of a motor vehicle declared is less than the true dutiable value, the Commissioner may make an assessment of the true duty payable on the basis that the dutiable value of the motor vehicle was -

- (a) the amount of the consideration paid for the acquisition of the motor vehicle by the applicant for registration;
- (b) such other amount as in the opinion of the Commissioner is the true dutiable value of the motor vehicle; or

- (c) if the applicant satisfies the Commissioner that the value of the motor vehicle was some other amount, that other amount,

and may recover any additional duty payable or refund to the applicant any duty overpaid.

"(6) A person shall not fail, refuse or neglect to comply with a requirement of the Commissioner made under subsection (4) or provide information that is false in a material particular.

Penalty: \$1,000."

PART 4 - AMENDMENTS RELATING TO LOAN SECURITIES

12. LOAN SECURITIES

Division 11A of Part III of the Principal Act is repealed.

13. SAVINGS AND TRANSITIONAL

(1) In this section, "commencement day" means the day on which this Part comes into operation.

(2) Notwithstanding anything in section 12 -

- (a) section 69B of the Principal Act as in force immediately before the commencement day continues to apply to and in relation to an increase before the commencement day in the amount secured under a loan security or to be ultimately recoverable by or under a loan security or other instrument;
 - (b) section 69D of the Principal Act as in force immediately before the commencement day continues to apply to and in relation to an instrument executed before the commencement day;
 - (c) section 69E of the Principal Act as in force immediately before the commencement day does not apply only if a subsequent mortgage is executed or shall be deemed to be executed after the commencement day; and
 - (d) section 69F of the Principal Act as in force immediately before the commencement day continues to apply to and in relation to an amount subscribed under that section in the period commencing on 1 July 1993 and ending on the commencement day.
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