

STP 2019/2 -



Legislative Instrument

Taxation Administration – Single Touch Payroll – Exemption for Insolvency Practitioners and Employers subject to their appointment

I, Deborah Anne Jenkins, Deputy Commissioner of Taxation, make this instrument under subsection 389-10(1) of Schedule 1 to the *Taxation Administration Act 1953*.

Deputy Commissioner of Taxation
Dated: 5 March 2019

1. Name of instrument

This is the *Taxation Administration – Single Touch Payroll – Exemption for Insolvency Practitioners and Employers subject to their appointment* instrument.

2. Commencement

This instrument commences on the day following its registration and applies retrospectively from 1 July 2018 for the 2018-2019 financial year.

3. Application

This instrument applies to entities that:

- (a) are employers that pay an amount described in Column 1 of the table in subsection 389-5(1) of Schedule 1 to the *Taxation Administration Act 1953* during the 2018-2019 financial year and that are subject to the appointment of an insolvency practitioner; or
- (b) are engaged during the 2018-2019 financial year as an insolvency practitioner appointed for an employer described in paragraph (a) above.

4. Determination

During the 2018-19 financial year, an entity to which this instrument applies is exempt from reporting under section 389-5 of Schedule 1 to the *Taxation Administration Act 1953*:

- (a) if the entity is an employer covered by paragraph 3(a) above – in relation to payments made after the commencement of the appointment of the insolvency practitioner; or
- (b) if the entity is an insolvency practitioner covered by paragraph 3(b) above – in relation to:
 - (i) payments made by an employer covered by paragraph 3(a) above, for which they are engaged as an insolvency practitioner; and

- (ii) payments made by them in their capacity as an insolvency practitioner covered by paragraph 3(b) above.

5. Definitions

For the purposes of this instrument, the term 'insolvency practitioner' is used to describe a class of professionals who are:

- (a) appointed to manage a company or its property under the provisions of Chapter 5 of the *Corporations Act 2001*; or
- (b) appointed to manage the affairs of an individual under the *Bankruptcy Act 1966*.