

Taxation Administration (Payroll Tax) COVID-19 Exemption Scheme Determination 2021

Disallowable instrument DI2021–11

made under the

Taxation Administration Act 1999, s 137E (COVID-19 Exemption Scheme)

1 Name of instrument

This instrument is the *Taxation Administration (Payroll Tax) COVID-19 Exemption Scheme Determination 2021*.

2 Commencement

This instrument commences on the day after its notification.

3 Definitions

In this instrument:

the Act means the *Payroll Tax Act 2011*.

apprentice or trainee—see the Act, section 2.16 (4) of schedule 2.

approved training contract—see the Act, section 2.16 (4) of schedule 2.

COVID-19 emergency means:

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 because of the coronavirus disease 2019 (COVID-19).

employer—see the Act, Dictionary.

eligible employee means a person who—

- (a) is an apprentice or trainee; and
- (b) on or after 1 August 2020, either—
 - (i) commences an approved training contract with an employer, and either:
 - (A) had not been an employee of that employer, or an employer of the same group, in the month preceding commencement of the approved training contract; or

- (B) had been a casual employee of that employer prior to commencement of the approved training contract; or
- (ii) recommences a suspended approved training contract with their employer which had been suspended prior to 1 August 2020 as a result of the COVID-19 emergency.

group—see the Act, Dictionary.

payroll tax—see the Act, Dictionary.

taxable wages—see the Act, Dictionary.

4 Determination

- (1) For the purposes of section 137E of the *Taxation Administration Act 1999*, I determine that an employer is exempt from the requirement pursuant to section 7 of the Act to pay payroll tax for taxable wages paid or payable to an eligible employee in the period 1 August 2020 to 30 June 2021 (inclusive).
- (2) Section 4 (1) does not apply where the employer, without reasonable justification—
 - (a) employs an eligible employee to replace another employee of the employer; or
 - (b) enters into an approved training contract with an eligible employee to replace another apprentice or trainee whose approved training contract has been suspended or cancelled.

5 Expiry

This instrument expires on 31 July 2021.

6 Revocation

This instrument revokes *Taxation Administration (Payroll Tax) COVID-19 Exemption Scheme Determination 2020*, DI2020-276.

7 Human Rights Act 2004

In my opinion, as the Minister, this instrument is consistent with human rights. This instrument is non-prejudicial because it does not limit existing rights.

Andrew Barr MLA
Treasurer

12 January 2021