

No. 29 of 2003.

Goods and Services Tax (2004 Budget Provisions Amendment) Act 2003.

Certified on: 13.07.04



INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2003.

Goods and Services Tax (2004 Budget Provisions Amendment) Act 2003.

ARRANGEMENT OF SECTIONS.

1. Exempt supplies (Amendment of Section 25).
2. New Section 65A.

"65A. PAYMENT OF TAX IN SPECIAL CASES."



INDEPENDENT STATE OF PAPUA NEW GUINEA

AN ACT

entitled

Goods and Services Tax (2004 Budget Provisions Amendment) Act 2003,

Being an Act to amend the *Goods and Services Tax Act 2003*,

MADE by the National Parliament to come into operation on 1 January 2004.

1. **EXEMPT SUPPLIES (AMENDMENT OF SECTION 25).**

Section 25 of the Principal Act is amended in Subsection (2)(a) by repealing the words "this subsection" and replacing them with the following:-

"Subsection (1)".

2. **NEW SECTION 65A.**

The Principal Act is amended by inserting after Section 65 the following section:-

"65A. PAYMENT OF TAX IN SPECIAL CASES.

(1) For the purposes of this section -

"person" includes a bank, a company, a partnership, the Government of the Independent State of Papua New Guinea and any public authority constituted by or under a law of Papua New Guinea;

"tax" means the Goods and Services Tax charged to another person by a supplier as a consequence of making a supply;

"buyer" means a registered person who has purchased goods or services from a registered supplier in respect of which the supplier has charged tax.

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"(2) Notwithstanding any other provision of this Act, the Commissioner may at any time, or from time to time, by notice in writing to a registered person, direct that person to pay to the Commissioner all tax payable by that person to his suppliers or to a specified supplier.

"(3) A notice issued under Subsection (2) shall remain in force in respect of all payments to be made to the suppliers, or to a specified supplier, until revoked by the Commissioner by a further notice in writing.

"(4) Where the Commissioner has issued a notice under Subsection (2) to a registered person, that person shall, when making a payment to the Commissioner in compliance with that notice, advise the supplier concerned of—

(a) the amount of tax that has been paid to the Commissioner pursuant to that notice; and

(b) the date of payment;

and when remitting the payment shall advise the Commissioner -

(c) the name and registration number of each supplier in respect of whom the payment has been remitted; and

(d) the amount remitted in respect of that supplier; and

(e) the province in which that supplier made the supply.

"(5) Where the Commissioner receives tax that has been paid to him under the provisions of Subsection (2), he shall treat the receipt of that tax as if the supplier had paid it to him.

"(6) When a supplier lodges a return required under Section 63 for a month during which a buyer has remitted payments on his behalf to the Commissioner under Subsection (2), that supplier shall show full details of the amounts remitted on his behalf including—

(a) the name and address of the buyer to whom the relevant sales were made; and

(b) the total amount of the sales for which amounts were paid to the Commissioner by the relevant buyer during the month; and

(c) the amount of tax remitted to the Commissioner in respect of those sales by the buyer.

"(7) A person who fails to comply with a notice under this section is liable to pay to the Commissioner the amount he was required to pay pursuant to Subsection (2) and for the purposes of this Act that amount shall be deemed to be goods and services tax payable by that person.

"(8) A person making a payment under this section is deemed to have been acting under the authority of the Commissioner and of all other persons concerned and is, by force of this subsection, indemnified in respect of that payment.

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"(9) A notice to be given under this section to the Government may be served upon such person as is prescribed and a notice so served is deemed to have been served upon the Government.

"(10) In addition to any amount he is liable to pay under Subsections (2) or (6), a person who fails to comply with a notice under this section is guilty of an offence.

Penalty: A fine of not less than K500.00 and not exceeding K5,000.00.”.

I hereby certify that the above is a fair print of the ***Goods and Services Tax (2004 Budget Provisions Amendment) Act 2003*** which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the ***Goods and Services Tax (2004 Budget Provisions Amendment) Act 2003*** was made by the National Parliament on 2 December 2003.

Acting Speaker of the National Parliament.

