

No. 13 of 2005.

***Goods and Services Tax (2006 Budget Provisions Amendment) Act 2005.***

Certified on: 23.12.05



**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

No. of 2005.

*Goods and Services Tax (2006 Budget Provisions Amendment) Act 2005.*

**ARRANGEMENT OF SECTIONS.**

1. Other zero rated goods (Amendment of Section 21).
2. New Sections 91A and 91B.
  - “91A. REFUND IN RESPECT OF TAX OVERPAID ON ZERO RATED SUPPLIES.”**
  - “91B. RESTRICTION ON REFUNDS.”**



INDEPENDENT STATE OF PAPUA NEW GUINEA

No. . of 2005.

AN ACT

entitled

*Goods and Services Tax (2006 Budget Provisions Amendment) Act 2005,*

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

MADE by the National Parliament to come into operation on 15 November 2005.

**1. OTHER ZERO RATED GOODS (AMENDMENT OF SECTION 21).**

Section 21 of the Principal Act is amended in Subsection (1) by inserting after Paragraph (e) the following new paragraph:-

- “(f) the supply is the supply of crude oil directly by a resource company qualifying under Paragraph (d), to a refiner for refining purposes, providing –
- (i) it is not resold within the country in an unrefined form; and
  - (ii) enters into a warehouse or bond store licensed under the *Customs Act* (Chapter 101), and
  - (iii) is purchased solely for processing purposes.”.

**2. NEW SECTIONS 91A AND 91B.**

The Principal Act is amended by inserting immediately after Section 91 the following new sections:-

**“91A. REFUND IN RESPECT OF TAX OVERPAID ON ZERO RATED SUPPLIES.**

(1) Where a person included under Section 21(1)(c), (d) or (e) has paid an amount of tax on the purchase of a supply that is zero rated under Section 21, the Commissioner shall refund that amount to that person.

“(2) Purchases made in the course of constructing or running a project funded by a person included under Section 21(1)(c), (d) or (e) shall be deemed to have been made by that person, to the extent that they were funded by moneys provided by that person.”.

***Goods and Services Tax (2006 Budget Provisions Amendment)***

**“91B. RESTRICTION ON REFUNDS.**

The Commissioner need not allow a refund to a supplier of tax overpaid by the supplier unless the Commissioner is satisfied that –

- (a) the supplier has reimbursed a corresponding amount to the recipient of the supply and the recipient of the supply is neither registered nor required to be registered; and
- (b) no refund has been paid under Section 91A to a person in respect of that supply.”.

I hereby certify that the above is a fair print of the ***Goods and Services Tax (2006 Budget Provisions Amendment) Act 2005*** which has been made by the National Parliament.

*Clerk of the National Parliament.*

I hereby certify that the ***Goods and Services Tax (2006 Budget Provisions Amendment) Act 2005*** was made by the National Parliament on 22 November 2005.

*Speaker of the National Parliament.*