

REPUBLIC OF NAURU

Revenue Administration Bill

Bill No. 15 of 2014

A Bill for an Act to provide for uniform procedural rules for the administration of the tax laws of Nauru and for related purposes

Certified on [] 2014

Table of Provisions

PART 1 – PRELIMINARY MATTERS

- 1 Short title
- 2 Commencement and application
- 3 Definitions
- 4 Application of Act to customs duty, agency taxes and secondary liabilities
- 5 Act binds the Republic

PART 2 – ADMINISTRATION OF TAX LAWS

- Functions and powers of the Secretary, Deputy Secretary, and tax officers
- 7 Delegation
- 8 Secrecy

PART 3 – TAXPAYERS

Division 1 – Taxpayer Identification Number

- 9 Taxpayer Identification Number
- 10 Use of a TIN
- 11 Cancellation of a TIN

Division 2 – Tax Representatives and Appointed Persons

- 12 Liabilities and obligations of tax representatives
- Duties of appointed persons

PART 4 - RECORD-KEEPING

14 Record-keeping

PART 5 – TAX RETURNS

- Extension of time to file a tax return
- 16 Secretary may require taxpayer to files a tax return
- 17 Tax return duly filed

PART 6 – TAX ASSESSMENTS

- 18 Self-assessment
- 19 Default assessment
- 20 Advance assessment
- 21 Amendment of assessments

PART 7 – COLLECTION AND RECOVERY OF TAX, AND REFUNDS

Division 1 – Payment of Tax

- Tax is a debt due to the Republic
- 23 Extension of time to pay tax
- 24 Priority of tax
- 25 Order of payment
- 26 Security for payment of tax
- 27 Indemnity

Division 2 – Late Payment Interest

28 Late payment interest

Division 3 – Recovery of Unpaid Tax

- 29 Recovery of unpaid tax by suit
- 30 Distress proceedings
- 31 Seizure and forfeiture of goods
- Power to collect tax from person owing money to a taxpayer

- 33 Transferred tax liabilities
- Liability for tax payable by a company
- 35 Temporary closure of business premises
- 36 Departure prohibition order

Division 4 – Refunds

- 37 Refund of overpaid tax
- 38 Erroneous refund of tax

PART 8 – OBJECTIONS AND APPEALS

- 39 Statement of reasons
- 40 Conclusiveness of tax decisions
- 41 Objections to tax decisions
- 42 Review by Minister of reviewable decisions
- 43 Appeals to Supreme Court
- 44 General provisions relating to objections and appeals

PART 9 – INVESTIGATIONS

- 45 Production of documents
- 46 Power to enter and search

PART 10 - RULINGS

- 47 Binding public rulings
- 48 Making a public ruling
- Withdrawal of a public ruling
- Other advice provided by the Revenue Office

PART 11 – COMMUNICATIONS, FORMS, AND NOTICES

- 51 Official language
- 52 Approved form
- Manner of filing documents with the Secretary
- 54 Service of notices by Secretary
- 55 Application of electronic tax system
- Due date for filing of a document or payment of tax
- 57 Defect not to affect validity of tax assessments or other documents
- 58 Rectification of mistakes

PART 12 – ADMINISTRATIVE PENALTIES AND OFFENCES

Division 1 – Application of Part 12

General provisions relating to administrative penalties and offences

Division 2 – Administrative Penalties

- 60 Penalties relating to registration
- Penalty for failing to keep documents
- 62 Late filing penalty
- 63 Late payment penalty
- 64 Tax shortfall penalty
- 65 Tax avoidance penalty
- Penalty for failing to comply with electronic tax system
- 67 General provisions relating to penalty

Division 3 – Tax Offences

- 68 Offences relating to registration
- 69 Offences relating to TINs
- 70 Failure to maintain documents
- 71 Failure to withhold tax
- Failure to file a tax return or other document
- Failure to pay tax by the due date
- False and misleading statements
- 75 Offences relating to recovery of tax
- 76 Offences relating to enforcement powers
- 77 Default in obligation under tax law with intent to evade tax
- 78 Obstruction of tax officer
- Aiding and abetting a tax offence
- 80 Offences relating to tax officers
- Offences relating to employees, agents, and companies
- 82 Sanctions for tax offences
- 83 Tax to be paid despite prosecution

PART 13 – ADMINISTRATIVE MATTERS

84 Regulations

SCHEDULE 1 – AGENCY TAXES

SCHEDULE 2 - TAX LAWS

REPUBLIC OF NAURU

Revenue Administration Act

Act No. [] of 2014	

An Act to provide for uniform procedural rules for the administration of the tax laws of Nauru and for related purposes

Certified on [] 2014

Enacted by the Parliament of Nauru as follows:

PART 1 - PRELIMINARY MATTERS

1 Short title

This Act may be cited as the Revenue Administration Act 2014.

2 Commencement

- (1) Subject to subsection (2), this Act commences on 1 October 2014.
- (2) Division 1 of Part 3 commences on the date that notice of the Act appears in the Gazette.

3 Definitions

(1) In this Act, unless the context otherwise requires:

'advance assessment' means an advance assessment made under section 20;

'agency tax' means a tax, duty, fee, charge, or other sum listed in Schedule 1;

'amended assessment' means an amended assessment made under section 21;

'appealable decision' means:

(a) an objection decision;