

Revenue Ruling 2001

Public Ruling

Ruling Number	: PUB-GEN-2001-1
Title	; Explanation and Status of Revenue Rulings
Tax Line	: Credit Card Duty, Debits Duty, Diesel Subsidy Scheme, Financial Institutions Duty, First Home Owners Grant, Land Tax, Pay-roll Tax, Stamp Duties
Legislative Reference	: <i>First Home Owner Grant Act 2000, Land Tax Act 2000, Pay-roll Tax Act 1971 Taxation Administration Act 1997, Stamp Duties Act 1931, Financial Institutions Duty Act 1986</i>
Previous Ruling	:
Date of Ruling	: 23 February 2001
Expiry Date	: 04 July 2005
Attachments	:

Effective 5 July 2005, this ruling has been superseded by a new ruling PUB-GEN-2005-5. The new ruling has been introduced to take into account a number of legislative changes that have occurred since 2001 when PUB-GEN-2001-1 was released.

This ruling clarifies the status and effect of Revenue Rulings issued by the State Revenue Office.

Preamble

A new Revenue Rulings system will be introduced on 23 February 2001 as a method of publishing and disseminating decisions on the interpretation of legislation administered by the State Revenue Office.

The purpose of this ruling is to clarify the status and effect of Revenue Rulings.

It should be noted that Revenue Rulings issued by the State Revenue Office are not conclusive statements of the law. They represent the interpretation of the law being applied by this Office over the period the ruling is effective.

A Revenue Ruling will replace existing circulars, memoranda and other forms of Departmental advice on the subject matter of the ruling.

In using Revenue Rulings, it should be recognised that they cannot override the provisions of the relevant legislation. Statements or declarations by the Commissioner of State Revenue and Commissioner of Stamp Duties do not have the effect of an estoppel against the operation of the law.

Revenue Rulings are intended to assist in the interpretation of revenue laws in given circumstances. They may be overruled by legislative amendments, or by decisions of appellate tribunals or courts.

Explanation of Public Rulings, Private Rulings

Revenue Rulings will be in two forms - Public Rulings and Private Rulings. These are prepared using the following criteria:

Public Rulings

Provide an interpretation, precedent, practice or procedure to be followed in making a decision that affects the rights or liabilities of persons or organisations paying taxes, duties, levies or receiving grants under the laws administered by the State Revenue Office. Public Rulings are public documents.

Private Rulings

Provide an interpretation, precedent, practice or procedure to be followed in making a decision that affects the rights or liabilities of persons or organisations paying taxes, duties, levies or receiving grants under the laws administered by the State Revenue Office. Private Rulings are given to a specific taxpayer (or group of taxpayers) and relate only to specific events or specific circumstances of the affected taxpayer(s). Private Rulings are not public information and are provided solely for the use of the affected taxpayer(s). If the facts or circumstances change after the Private Ruling has issued, the taxpayer or their representative is required to contact the State Revenue Office to clarify whether the Private Ruling remains applicable.

The Date of Effect, Status of Previous Revenue Rulings and Numbering System

Date of Effect

Unless otherwise stated, the date of effect of a Revenue Ruling is the date of issue.

Previous Ruling

Unless otherwise stated, the Revenue Ruling replace any previous Revenue Ruling(s) identified.

How Rulings Are Numbered

Revenue Rulings will be numbered using the following protocol:

1. Three letters representing the type of Revenue Ruling
PUB – Public Ruling
PVT – Private Ruling
2. **Two letters representing the tax-line or grant scheme**
PT – Pay-roll Tax
SD – Stamp Duties
LT – Land Tax
CD – Credit Card Duty
DD – Debits Duty
FD – Financial Institutions Duty
FG – First Home Owners Grant Scheme
DS – Diesel Subsidy Scheme

If more than one tax line is affected then the prefix **GEN** (general) will be used.

3. The year the ruling is issued.

The sequential number of the ruling – each type of ruling (Public/Private) will be sequentially numbered in their year of issue.

For example this Revenue Ruling is the first public ruling issued in 2001 and is numbered as follows:

PUB = Public Ruling

GEN = General

2001 = Issued in calendar year 2001

1 = It is the first public ruling for 2001

Draft Rulings:

In order to consult with taxpayers and their representative bodies, draft rulings may be distributed for comment. Draft Revenue Rulings will be clearly identified with the words "Draft Revenue Ruling" and will not be numbered.

Guidelines:

The State Revenue Office currently issues circulars to advise taxpayers of changes of administrative practices or taxation laws. Circulars have now been replaced by guidelines. A guideline will provide an explanation of the administrative practices or procedures of the State Revenue Office or give guidance to taxpayers on the practices to be followed in order to comply under a taxation law. Guidelines will also be used to advise changes to taxation law resulting from changes to taxation legislation, policy determinations or case law. Guidelines are public documents provided to the general community and specific groups of taxpayers and may relate to more than one taxation law.



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PUB-GEN-2001-1



Tasmania