

REPUBLIC OF KIRIBATI

REVENUE ADMINISTRATION ACT 2013

(Section 86)

REVENUE ADMINISTRATION REGULATIONS 2014

In exercise of the powers conferred by section 86 of the Revenue Administration Act 2013, the Beretitenti acting in accordance with the advice of the Cabinet, hereby makes the following Regulations –

Short Title and Commencement

1. These Regulations may be cited as the Revenue Administration Regulations 2014 and come into force on the same day as the Revenue Administration Act 2013 comes into force.

Interpretation

2. (1) In these Regulations, “Act” means the Revenue Administration Act.
- (2) All other expressions used but not defined in these Regulations have the meaning assigned to them under the Act.

Application for a TIN

3. (1) For the purposes of section 5(3)(b) of the Act, the following are documentary evidence of the identity of an applicant for a TIN -
- (a) in the case of an individual:
 - (i) a certified copy of the personal information pages of the individual’s current Kiribati or foreign passport;
 - (ii) a certified copy of the personal information pages of the individual’s current Kiribati driver’s licence;
 - (iii) a certified copy of the personal information pages of the individual’s current foreign driver’s licence provided it includes a photograph of the individual;
 - (iv) a certified copy of the individual’s birth certificate accompanied by a current photograph of the individual;
or
 - (v) such other evidence of the identity of the individual as the Board may specify;
 - (b) in the case of a company, the certificate of incorporation or registration of the company;

- (c) in the case of a partnership, the partnership deed;
- (d) in the case of a trust, the deed of settlement or other document evidencing the creation or existence of the trust;
- (e) in the case of any other person, such evidence as the Board may specify.

(2) The photograph required under sub-regulation (1)(a)(iv) must be certified as a true photograph of the applicant by a person who is not related to the applicant and who has known the applicant for at least two years.

(3) For the purposes of section 5(3)(c) of the Act, an application for a TIN must be lodged with the Board -

- (a) by prepaid post or personal delivery to an office of the Board;
- (b) by inclusion with the applicant's first tax return; or
- (c) in such other manner as the Board may specify.

Issue of TIN

4. Each TIN issued by the Board must be unique.

Use of TIN

5. (1) Despite the secrecy provisions of the Internal Revenue Board Act, the Board may, for the purposes of a tax law, provide -

- (a) to employers, the TINs of employees of the employer;
- (b) to principals, the TINs of contractors of the principal; or
- (c) to payers, the TINs of payees of the payer.

(2) An employer, contractor, or payer may use the TIN of an employee, contractor, or payee, as the case may be, to the extent necessary in carrying out duties under a tax law.

Taxpayer's Representative

6. A person who is the VAT representative of a taxpayer under section 41 of the Value Added Tax Act is treated as a representative of the taxpayer for the purposes of section 10 of the Act.

Assessments

7. (1) A reference in sections 18-21 of the Act to the “tax payable” for a tax period includes –

- (a) a nil amount;
- (b) for the income tax, a loss for a tax year; or
- (c) for the VAT, an excess of input tax credits for a VAT period.

(2) A tax return in the approved form completed and submitted electronically by a taxpayer is treated as a self-assessment return for the purposes of the Act despite the following –

- (a) the form included pre-filled information provided by the Board;
- (b) the computation of the tax payable was made electronically by the form.

Forms Filed or Lodged in Prescribed Manner

8. Subject to the Act or Regulations providing otherwise, a form or other document to be filed or lodged with the Board under a tax law is considered filed or lodged in the prescribed manner only if it is –

- (a) in the approved form; and
- (b) filed or lodged with the Board –
 - (i) as specified in section 58 of the Act;
 - (ii) under an arrangement made under Regulation 13; or
 - (iii) if required or permitted by the Board, electronically in accordance with section 60 of the Act and Regulation 10.

Method of Payment of Tax

9. (1) Tax, late payment interest, and any other amount payable under a tax law must be in Australian dollars.

(2) Tax, late payment interest, or any other amount payable under a tax law must be paid -

- (a) in person by the taxpayer or the taxpayer’s representative, in cash or by bank cheque at an office of the Board;
- (b) by bank cheque sent by post to an office of the Board;

- (c) if required or permitted by the Board, by electronic funds transfer or other electronic payment method including through the use of a mobile device in accordance with Regulation 12;
- (d) to a local government council under an arrangement entered into under Regulation 12; or
- (e) in any other manner specified by the Board.

(3) The Board must give a receipt for tax, late payment interest, or any other amount paid.

Service of Notices

10. (1) For the purposes of section 59, a notice is treated as properly served on a person if the notice is served, in accordance with section 59(2), on the representative of the person.

(2) For the purposes of section 59(3) of the Act, if service of a notice on a person is effected by normal post, the person is treated as having been served with the notice –

- (a) for service within Kiribati, on the earlier of the date of actual receipt of the notice by the person or seven days after the notice was posted; or
- (b) for service outside Kiribati, on the earlier of the date of actual receipt of the notice by the person or fourteen days after the notice was posted.

Notification of a Change of Address

11. (1) A person who has been issued with a TIN and who has changed their address for service must notify the Board in writing of the new address within 15 days of the change occurring.

(2) A person who fails to comply with sub-regulation (1) cannot plead the change of address as a defence in any proceedings instituted against the person under a tax law.

(3) A person who fails to comply with sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding \$500.

Arrangement with Local Government Council

12. The Board may make an arrangement with a local government council on any island on which the Board does not have an office for the council to receive, on behalf of the Board –

- (a) an application, notice, or other document to be lodged with the Board; or
- (b) the payment of tax, late payment interest, or any other amount.

Electronic Notices and Payments

13. (1) For the purposes of section 60 of the Act, the Board may provide, by an order published in the Gazette, that the following is to be done electronically through a computer or other electronic device --

- (a) the lodging of an application for registration under a tax law;
- (b) the submitting of a tax return or other document required under a tax law;
- (c) the service of notices by the Board;
- (d) the making of payments or refunds of tax under a tax law;
- (e) the doing of any other act or thing required to be done by a taxpayer or the Board under a tax law.

(2) The order referred to in sub-regulation (1) may direct that taxpayers, or classes of taxpayers, must submit or lodge tax returns and other documents with, and pay tax to, the Board electronically.

(3) A taxpayer who, without reasonable excuse, fails to comply with sub-regulation (2) is liable for a penalty equal to \$50 for each failure.

(4) In any legal proceedings under the Act or these Regulations, a statement contained in a document produced by a computer or other electronic device in accordance with this Regulation is admissible as evidence of the facts contained in the statement.

Tax Agent Registration

14. (1) The following are the prescribed fees in relation to registration as a tax agent -

- (a) the fee for an application under section 51(2) of the Act is \$200;
- (b) the fee for an application for renewal of registration as a tax agent under section 53(2)(a) of the Act is \$100.

(2) A registered tax agent must notify the Board, in writing, if there is any change to the person or persons identified for the purposes of section 52(2)(a) of the Act as a fit and proper person to prepare tax returns, notices of appeal, and otherwise transact business with the Board under the tax laws on behalf of taxpayers.

(3) The Board must cancel the registration of a tax agent pursuant to section 54(3)(b) if satisfied that the tax agent no longer has a partner or employee who satisfies section 52(2)(a).

(4) A registered tax agent who fails to comply with sub-regulation (2) commits an offence and on conviction is liable for a sanction as specified in section 81(1).

Status of Public Rulings

15. For the avoidance of doubt, a public ruling is only a statement of the Board's opinion on the application of a tax law in the circumstances specified in the ruling and is not a decision of the Board.

Prosecution of an Offence

16. Section 83 of the Act applies to the prosecution of an offence under any tax law.

Consequential Amendments

17. The Income Tax Regulations 1990 are amended by deleting Regulations 3 and 12.

Dated this day *10 April* 2014

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Beretitenti

Published by exhibition at the Office of Te Beretitenti
this.....day of2014

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Teea Tiira
Secretary to the Cabinet