



New South Wales

Payroll Tax Amendment (Jobs Plus) Act 2021 No 12

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Payroll Tax Amendment (Jobs Plus) Act 2021 No 12

Act No 12, 2021

An Act to amend the *Payroll Tax Act 2007* to exempt employers from liability to pay payroll tax on wages that are the subject of Jobs Plus agreements, and to extend an exemption in relation to the Aged Care Workforce Retention Grant Opportunity program of the Commonwealth. [Assented to 24 May 2021]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Payroll Tax Amendment (Jobs Plus) Act 2021*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1[2] commences on 1 July 2021.

Schedule 1 Amendment of Payroll Tax Act 2007 No 21

[1] Section 66E Wages funded by Commonwealth Aged Care Workforce Retention Grant Opportunity

Omit “(but before 1 January 2021)” from section 66E(1).

[2] Section 66F

Insert after section 66E—

66F Exemption for employers under Jobs Plus agreements

- (1) The relevant Minister is authorised on behalf of the State—
 - (a) to enter into an agreement with an employer that is expressed to be for the purposes of this section (a ***Jobs Plus agreement***), and
 - (b) to give effect to the agreement.
- (2) Without limiting the matters that may be specified by a Jobs Plus agreement, the agreement must specify—
 - (a) the kinds of wages that are exempt wages under this section, and
 - (b) the grounds on which, or the circumstances in which, the relevant Minister may revoke an exemption under this section, and
 - (c) for an agreement with an employer whose registered business address is outside the metropolitan area—that the exemption cannot be revoked merely because the employer has only created between 20 and 29 new jobs (inclusive).
- (3) Subject to this section, wages are exempt wages if—
 - (a) they are paid or payable by an employer who enters into a Jobs Plus agreement, and
 - (b) they are wages of a kind that is specified by the agreement to be exempt wages under this section.
- (4) The relevant Minister may, by written notice issued to an employer who enters into a Jobs Plus agreement, revoke the exemption under this section on the grounds, or in the circumstances, specified by the agreement.
- (5) The effect of the revocation is as follows—
 - (a) the wages referred to in subsection (3) are taken never to have been exempt wages under this section,
 - (b) the employer is liable to pay payroll tax on the wages even if the relevant Minister revokes the exemption under this section after the employer relies on the exemption as the reason for not paying payroll tax on the wages,
 - (c) the Chief Commissioner must assess or reassess the employer’s liability to pay payroll tax on the wages accordingly.
- (6) For the purposes of the *Taxation Administration Act 1996*, section 9(3)(c), the Chief Commissioner is authorised to make a reassessment under this section until 1 July 2033.
- (7) An employer who enters into a Jobs Plus agreement cannot lodge an objection with the Chief Commissioner under the *Taxation Administration Act 1996*, Part 10, Division 1 to an assessment or reassessment under this section on the grounds that the relevant Minister has revoked an exemption under this section.

- (8) Without limiting the *Taxation Administration Act 1996*, section 82(b)(i), a Jobs Plus administrator may disclose to another Jobs Plus administrator information in relation to a Jobs Plus agreement, including personal information within the meaning of the *Privacy and Personal Information Protection Act 1998* and confidential information—
- (a) to assist a Jobs Plus administrator to exercise a function under this section, including to assist the relevant Minister to give effect to the agreement, or
 - (b) in connection with the administration of a taxation law.
- (9) The relevant Minister may delegate a function of the relevant Minister under this section to another Jobs Plus administrator, subject to the following—
- (a) the relevant Minister cannot delegate a function to a tax officer,
 - (b) the relevant Minister cannot delegate a function under subsection (1)(a) or (4) to any person other than the Chief Executive Officer of Investment NSW,
 - (c) the relevant Minister cannot delegate this power of delegation.
- (10) The State, or a Jobs Plus administrator, does not incur civil liability in connection with the exercise of a function under this section.
- (11) The relevant Minister must, until 1 July 2028, cause to be tabled in each House of Parliament an annual report containing the following for each financial year—
- (a) the total number of employers who entered into Jobs Plus agreements,
 - (b) the total number of new jobs the employers agreed to create, as specified by the agreements,
 - (c) the total number of new jobs in fact created by the employers, whether created in that financial year or an earlier financial year,
 - (d) the total amount of payroll tax from which the employers were exempt under this section, whether in relation to that financial year or an earlier financial year.
- (12) In this section—
- give effect to** a Jobs Plus agreement includes—
- (a) comply with an obligation of the State under the agreement, and
 - (b) exercise or enforce a right or power under the agreement.
- Jobs Plus administrator** means each of the following—
- (a) the relevant Minister,
 - (b) a tax officer,
 - (c) a person employed in the Department of Premier and Cabinet,
 - (d) a person employed in Investment NSW.
- metropolitan area** means—
- (a) the Greater Sydney Region within the meaning of the *Greater Sydney Commission Act 2015*, and
 - (b) the local government areas of Newcastle, Shellharbour and Wollongong.
- new job**, in relation to an employer who enters into a Jobs Plus agreement, means a position created by the employer after entering into the agreement.

relevant Minister means the Minister for Jobs, Investment, Tourism and Western Sydney.

taxation law and *tax officer* have the same meanings as in the *Taxation Administration Act 1996*.

[3] Schedule 3 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering—

Part Provision consequent on enactment of Payroll Tax Amendment (Jobs Plus) Act 2021

Application of amendments

- (1) The amendment of section 66E by the amending Act is taken to have had effect from the beginning of 1 January 2021.
- (2) An agreement with an employer that is entered into by the Minister for Jobs, Investment, Tourism and Western Sydney, or by a delegate of the Minister, and that is expressed to be for the purposes of section 66F of this Act is taken, for all purposes, to be a Jobs Plus agreement under section 66F, as inserted by the amending Act, even if the agreement was entered into before the commencement of that section on 1 July 2021.
- (3) In this clause—
amending Act means the *Payroll Tax Amendment (Jobs Plus) Act 2021*.

[Second reading speech made in—

Legislative Assembly on 5 May 2021

Legislative Council on 13 May 2021]