

Passed by both Houses



New South Wales

Treasury Legislation Amendment (COVID-19) Bill 2020

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2020



New South Wales

Treasury Legislation Amendment (COVID-19) Bill 2020

Act No _____, 2020

An Act to amend the *Long Service Leave Act 1955* and *Payroll Tax Act 2007* as a result of the COVID-19 pandemic.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Treasury Legislation Amendment (COVID-19) Act 2020*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Acts

1.1 Long Service Leave Act 1955 No 38

Section 15A

Insert after section 15—

15A COVID-19 pandemic—special provisions

- (1) This section has effect for the prescribed period and prevails to the extent of any inconsistency with any other provision of this Act.
- (2) An employer may, under section 4(3A), give a worker a period of long service leave that is less than one month if the worker agrees to that lesser period of leave.
- (3) An employer may, under section 4(10), give a worker less than one month's notice if the worker agrees to that lesser period of notice.
- (4) In this section—
prescribed period means the period—
 - (a) starting on the commencement of this section, and
 - (b) ending on—
 - (i) the day that is 6 months after the commencement, or
 - (ii) the later day, not more than 12 months after the commencement, prescribed by the regulations.

1.2 Payroll Tax Act 2007 No 21

[1] Section 99A

Insert after section 99—

99A Temporary reduction for businesses with annual wages of \$10 million or less

- (1) An employer who is liable to pay payroll tax on wages paid or payable for the financial year commencing on 1 July 2019 is only required to pay 75% of that payroll tax if all Australian wages paid or payable by the employer are \$10,000,000 or less.
- (2) An employer who is part of a group is not eligible for the reduction referred to in subsection (1) unless the employer provides the Chief Commissioner with the following information—
 - (a) information about all other employers who are part of the group,
 - (b) the amount of taxable wages and interstate wages paid or payable by each of those employers for the financial year commencing on 1 July 2019.
- (3) For the avoidance of doubt, an employer does not cease to be eligible for the reduction referred to in subsection (1) merely because the employer ceased paying wages before the commencement of this section.
- (4) In this section—
all Australian wages paid or payable by an employer means the sum of the following—
 - (a) all taxable wages paid or payable by the employer,
 - (b) all interstate wages paid or payable by the employer,

- (c) all taxable wages and interstate wages paid or payable by all members of the group that the employer is part of.

[2] Schedule 1 Calculation of payroll tax liability for financial year commencing 1 July 2007 and subsequent financial years

Omit paragraphs (f) and (g) from the definition of *TA* or *threshold amount* in clause 1.

Insert instead—

- (f) for the financial year commencing on 1 July 2020 and subsequent financial years—\$1,000,000.