

EXPLANATORY STATEMENT

STATUTORY RULES 1984 NO. 412

ISSUED BY THE AUTHORITY OF THE TREASURER

These regulations amending the Estate Duty Regulations will make a number of amendments consequential upon amendments to the Estate Duty Assessment Act 1914 (the Act) by the Taxation Laws Amendment Act 1984 (the amending Act), which was assented to on 19 October 1984.

Regulation 1 facilitates references to the Estate Duty Regulations which are referred to as the "Principal Regulations".

Regulation 2 will repeal regulations 32 and 35 of the Principal Regulations which contain procedural rules relating to prosecutions instituted under section 47 of the Act. The repeal of these regulations is consequential upon the repeal by the amending Act of section 47, the various provisions of which are now contained in the consolidated offence and prosecution provisions in Part III of the Taxation Administration Act 1953.

By reason of section 8 of the Acts Interpretation Act 1901, the Commissioner may continue to institute prosecutions under section 47 of the Act in relation to offences committed prior to the repeal of that section by the amending Act.

Regulation 3 contains transitional rules which will ensure that those regulations which apply to prosecutions under section 47 of the Act - regulations 32 and 35 - may continue to apply notwithstanding their repeal by regulation 2.