



15 April 2024

[Redacted]
[Redacted]

Dear [Redacted]

Thank you for your request made under the Official Information Act 1982 (OIA), received on 27 March 2024. You requested the following:

- 1. Can I please get the law/s and act/s in which we must pay taxes please?*
- 2. And also the penalty if taxes are not paid.*

Question 1

The general legislative authority for imposing and collecting taxes lies in the various Inland Revenue Acts, which are listed in schedule 1 of the [Tax Administration Act 1994 \(TAA\)](#). More specifically, Part B of the [Income Tax Act 2007 \(ITA\)](#) provides for the imposition of tax on income, and Part R provides for payment of tax by customers on their own behalf and by way of source deductions. Section 8 of the Goods and Services Tax Act 1985 provides for the charging of GST on goods or services supplied in the course of carrying on a taxable activity.

Section 15B of the TAA sets out taxpayer obligations, including the obligation to correctly determine the amount of tax payable, pay tax on time and comply with all the other obligations imposed on the taxpayer by the tax laws.

Question 2

Part 9 of the TAA sets out penalties to be imposed on taxpayers for non-compliance, including civil penalties (including late payment penalties and shortfall penalties) and criminal penalties. Section 149 of the TAA states that each time a taxpayer breaches a tax obligation, the taxpayer may be liable to a civil penalty or on conviction a criminal penalty or both.

The ITA and other Inland Revenue Acts are Acts of Parliament and are binding on all persons within the territory of New Zealand. The tax statutes apply to all residents of New Zealand regardless of how they may refer to themselves or whatever status they may consider they have. As such, persons are not able to opt out of them. Those who do not pay the tax that is due from them or otherwise do not meet their obligations under the tax Acts will find themselves in breach of the law and subject to the penalties imposed by the law.

Publishing of OIA response

We intend to publish our response to your request on Inland Revenue's website (www.ird.govt.nz) as this information may be of interest to other members of the public. This letter, with your personal details removed, will be published in its entirety. Publishing responses increases the availability of information to the public and is consistent with the OIA's purpose of enabling more effective participation in the making and administration of laws and policies and promoting the accountability of officials.

Thank you for your request.

Yours sincerely



Rob Falk
Technical Lead, Legal Services