



PAY-ROLL TAX (SUPPLEMENTAL PROVISIONS)

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No. 110 of 1976
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ANALYSIS

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AN ACT to make provision for a reduction in pay-roll tax payable in certain cases and for matters incidental thereto.

[15 December 1976]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Pay-roll Tax (Supplemental Provisions) Act 1976*.

Short title,
incorporation,
and
commencement.

(2) This Act is incorporated and shall be read as one with the *Pay-roll Tax Act 1971* (in this Act referred to as the Principal Act).

(3) This Act shall be deemed to have commenced on 1st November 1976.

Non-application of Act.

2 This Act shall not apply to any employer being a department of the State or a State instrumentality or authority.

Period of application of Act.

3 This Act shall only apply to amounts of tax payable in respect of wages paid during the period commencing on 1st November 1976 and ending on 31st October 1978.

Reduction in tax payable.

4—(1) Where the average number of full-time employees employed by an employer during a return period exceeds the number of such employees employed by that employer on 26th October 1976, the amount of tax payable by that employer in respect of that period shall be reduced from that payable in accordance with the Principal Act by an amount calculated in accordance with such of the following formulae as is appropriate in the circumstances, that is to say:—

(a) Where the employer does not qualify for a small business deduction

$$P = \frac{A - B}{A} \times C; \text{ or}$$

(b) Where the employer does qualify for a small business deduction

$$P = \frac{A - B}{A} \times C \times 1\frac{2}{3}$$

where P is the amount by which tax payable in respect of that period is to be reduced;

where A is the average number of full-time employees employed, or assumed to have been employed as provided by section 5, by that employer during that period;

where B is the number of full-time employees employed by that employer on 26th October 1976; and

where C is the sum calculated by applying the rate of tax set forth in section 7 (1) of the Principal Act to the amount of taxable wages paid by the employer in respect of that period.

(2) Where the Commissioner is satisfied that, in any particular case, the application of the formula has not had the desired effect of relieving an employer from additional tax arising from an increase

in the number of employees since 26th October 1976, he may, in his absolute discretion, vary the amount of tax payable where, in his opinion, the amount of tax payable ought to be varied.

(3) For the purposes of this section, "small business deduction" means a deduction that may be allowable to an employer as provided by section 9 of the Principal Act.

5—(1) Where any employees of the company known as The Mount Lyell Mining and Railway Company Ltd., a company incorporated in the State of Victoria and registered in this State (in this section referred to as the company) who, as at 8th November 1976, have been selected by the company for dismissal from employment by the company are not dismissed or, having been dismissed, are re-employed by the company, for the purposes of section 4 it shall be presumed that the number of those employees not dismissed, or dismissed and re-employed, is a number exceeding the number that was employed by the company on 26th October 1976.

Special provisions in case of The Mount Lyell Mining and Railway Company Ltd.

(2) Subsection (1) shall not apply in respect of any number of employees exceeding 400.

6—(1) An employer may apply, in writing, to the Commissioner for the exercise of the Commissioner's discretion as provided by this section.

Substituted number of full-time employees as at 26th October 1976.

(2) Where, on an application being made by an employer as provided by subsection (1), the Commissioner is satisfied that the number of full-time employees of the applicant as at 26th October 1976 was for any reason greater than the number of such employees usually employed by him, the Commissioner may, in his absolute discretion, for the purpose of calculating the reduction in pay-roll tax payable by the applicant as provided by section 4, substitute the number of full-time employees usually employed by the applicant for the number actually employed by him on that day and, in such a case, it shall be assumed, in making the calculation in accordance with section 4, that the number of full-time employees substituted by the Commissioner was the number of such employees actually employed by the applicant on that day.

(3) In granting an application under this section the Commissioner may substitute the number of full-time employees specified by the applicant in his application or any other number of such employees.

