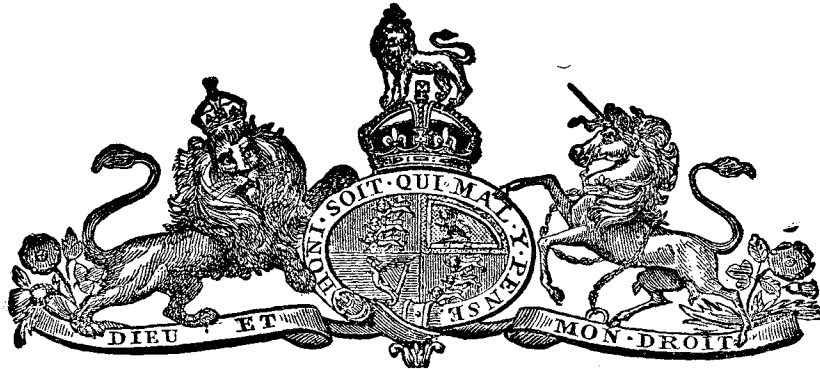


T A S M A N I A.



1924.

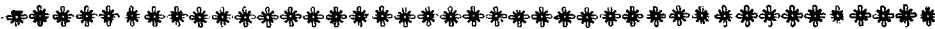
ANNO QUINTO DECIMO

GEORGII V. REGIS.

No. 70.

ANALYSIS.

- 1. Short title.
Principal Act.
- 2. Amendment of Section 27 of the Principal Act.
- 3. Repeal of Section 32 of the Principal Act, and substitution of new section.
Payment of tax by executors or administrators.
- 4. Amendment of Section 53 of the Principal Act.
- 5. Amendment of Section 54 of the Principal Act.
- 6. Application of Act.



AN ACT to amend "The Land and Income Taxation Act, 1910." [27 January, 1925.]

A.D.
1924.

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 Land and Income Taxation Act (No. 2), 1924." Short title.

(2) The Land and Income Taxation Act, 1910, is herein called "the Principal Act." Principal Act.
1 Geo. V. No. 47.

4d.]

*Land and Income Taxation.***A.D. 1924.**

Amendment of
Section 27 of the
Principal Act.

2 Subsection (1) of Section Twenty-seven of the Principal Act is hereby amended by inserting therein after Paragraph xi. the following new Paragraph xii. :—

“ xii. The income of a provident, benefit, or superannuation fund established for the benefit of the employees in any business or class of business, if the Commissioner is satisfied that the particular fund is being applied to the purposes for which it was established.”

Repeal of Section
32 of the Prin-
cipal Act, and
substitution of
new section.

Payment of tax by
executors or
administrators.

3 Section Thirty-two of the Principal Act is hereby repealed, and the following section substituted therefor :—

“ **32**—(1) When, at the time of a person’s death, income tax has not been assessed and paid on the whole of the income derived by that person up to the date of his death, the Commissioner shall have the same powers and remedies for the assessment and recovery of income tax from the executors or administrators of that person as he would have had against him if that person were alive.

“ (2) The executors or administrators shall furnish a return of any income derived by the deceased person in respect of which no return has been furnished by him.

“ (3) When the executors or administrators are unable or fail to furnish a return, the Commissioner may estimate and make an assessment of the amount on which, in his judgment, income tax ought to be charged.

“ (4) This section shall not apply to the income derived by a person from :—

i. The Thirtieth day of June : or

ii. His balancing-day nearest to the Thirtieth day of June (where such balancing-day was other than the Thirtieth day of June)—

immediately preceding his death to the date of his death.”

Amendment of
Section 53 of the
Principal Act.

4 Section Fifty-three of the Principal Act is hereby amended as follows :—

i. As to Sub-paragraph (a) of Paragraph v. thereof—

(a) By inserting after the word “taxpayer,” in the twenty-fourth line of the said sub-paragraph, the words “which shall be exercised by notice, in writing, signed by him and delivered by him at the office of the Commissioner on or before the prescribed date”; and

(b) By inserting at the end of the said sub-paragraph the following provisoes :—

“ Provided that the value adopted in relation to any article of trading stock as the value of that article as at the end of the period in which the income was derived, shall, for the purposes of the assessment of the taxpayer’s income derived in the next succeeding period, be deemed to be the value

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of that article as at the commencement of that A.D. 1924.
next succeeding period ;

“ Provided, further, that the value adopted in relation to any livestock, as the value of that livestock, as at the end of the period in which the income was derived, shall, for the purposes of the assessment of the taxpayer’s income derived in the next succeeding period, be deemed to be the value of that livestock as at the commencement of that next succeeding period ;

“ And provided, also, that any option exercised in pursuance of this subparagraph with respect to any livestock shall be irrevocable, and shall apply to the assessment of the taxpayer’s income derived in the period in respect of which the option is exercised, and to assessments in respect of all subsequent periods ” :

- ii. As to Subparagraph (e) of Paragraph v. thereof, by inserting after the word “ lessee ” in the eleventh line of the said subparagraph the following words and brackets :—
“(not including the unexpired portion of the lease assigned or transferred) ” :
- iii. As to Paragraph *va.* thereof—
- (a) By deleting the word “ any ” in the fifth line of the said paragraph ;
- (b) By deleting the words “ Every notice given by a taxpayer in pursuance of this paragraph shall be irrevocable ” in the thirteenth and fourteenth lines of the said paragraph, and substituting therefor the words “ The election specified in any notice given in pursuance of this paragraph shall be irrevocable, and shall apply to the assessment of his income derived in the period in respect of which the election is made and to assessments for all subsequent periods. Any livestock acquired by any taxpayer by the natural increase of his stock, which natural increase the taxpayer has elected to omit from the account required by Subparagraph (a) of Paragraph v. of this section, shall not be brought to account until the year in which that natural increase of the livestock so acquired is sold or otherwise disposed of by the taxpayer ” :
- iv. As to Paragraph *vb.* thereof—
- (a) By expunging the first fourteen lines of the said paragraph, and substituting the following words therefor :—
“ The proceeds derived from the sale of the whole or part of the trading stock of any busi-

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ness after the Thirtieth day of June, One thousand nine hundred and twenty-three (whether on the sale of a business as a going concern or in any other manner for the purpose of discontinuing the business), shall be gross income.

“Where any trading stock of a business is sold, either together with or separately from other assets of the business, the consideration for the sale which is attributable to the trading stock shall be determined by the Commissioner, and the amount so determined shall be deemed to be the price paid by the purchaser for the trading stock” ;

(b) By deleting the words “are ordinarily used” in Subparagraph (a) of the said paragraph, and substituting therefor the words “were ordinarily used by the vendor” ; and

(c) By inserting after Subparagraph (b) of the said paragraph the following proviso :—

“Provided that where, by virtue of Subparagraph (a) of this paragraph, the proceeds of the sale or assumed realisation of any livestock are excluded from gross income, then, notwithstanding anything contained in this section, no deduction shall be allowed on account of that livestock” : and

v. As to Paragraph x. thereof, by deleting the words “of the taxpayer” in the eighth and ninth lines of the said paragraph.

Amendment of
Section 54 of the
Principal Act.

5 Section Fifty-four of the Principal Act is hereby amended by expunging Paragraph iv. thereof, and substituting the following paragraph therefor :—

“iv. State income tax or Federal income tax.”

Application of
Act.

6—(1) The amendment made by Paragraph ii. of Section Four of this Act shall apply to assessments of the income for the year ended on the Thirtieth day of June, One thousand nine hundred and twenty-three, and for all subsequent years, and such amendment shall be deemed to have been made on the Eighteenth day of March, One thousand nine hundred and twenty-four.

(2) All the amendments made by this Act, other than the amendment specified in Subsection (1) of this section, shall apply to assessments of the income for the year ended on the Thirtieth day of June, One thousand nine hundred and twenty-four, and for all subsequent years.