

SALARIES TAX.

21° GEO. V., No. XLIV.

No. 44 of 1930.

AN ACT to impose a Special Tax upon the salaries of certain officers remunerated from Public Funds, and to provide for the assessment and collection of such Tax.

[Assented to 1st January, 1931.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Salaries Tax Act, 1930.*

Application of Act.

2. This Act shall not apply to the salaries of the following persons, namely—

- (a) His Excellency the Governor.
- (b) Members of the Legislative Council.
- (c) Members of the Legislative Assembly.
- (d) Any person who is receiving salary which does not exceed one hundred pounds a year.

Interpretation.

3. In this Act, subject to the context—

“Officer” includes any person in receipt of a salary payable in pursuance of any special act or out of moneys annually appropriated, but does not include any person whose salary is ordinarily fixed either directly or indirectly under the terms of an award or industrial agreement made under the provisions of the Industrial Arbitration Act, 1912-1925, and any other person not hereinbefore specifically mentioned to whom salary as hereinafter defined is payable.

“Salary” means and includes, except as hereinafter mentioned, the salary, wages, allowances, fees, commission, and every emolument, whether in one sum or several sums, provided for or fixed by any annual or special or permanent appropriation of the Consolidated Revenue Fund, or the Loan Fund Account, or any Trust or Special Fund made by or under the authority of any Act of Parliament as payment, remuneration, or allowance for personal service rendered by an officer or to an officer by virtue of his office, whether such payment, remuneration, or allowance is or is not prescribed by or specified in any Act as aforesaid, and whether such officer is employed in or in connection with one department or several departments, or holds one or more than one office. The term includes any payment, remuneration, or allowance fixed for an officer employed by any of the institutions mentioned in the said Second Schedule to this Act.

The term does not include—

- (a) travelling, or relieving, or transfer expenses, or equipment, or forage, or motor car, or district allowances, or any other allowance which the Governor may in that behalf determine; or
- (b) a pension or superannuation allowance.

4. In computing the amount of salary for the purposes of this Act, the value of board and lodging, or of board, or of lodging, or of rent of premises provided free of charge to an officer, or of any other similar privilege shall be included in the salary of an officer having the benefit thereof. Such value shall be assessed in accordance with the provisions of any relative industrial award or industrial agreement for the time being in force, but otherwise shall be assessed by the Public Service Commissioner or any person authorised in writing in that behalf by the Treasurer.

Computation of salary.

5. (1.) Notwithstanding the provisions of any Act to the contrary, but subject as in this section and in this Act hereinafter provided, there shall be charged, levied, collected and paid upon and in respect of the salary of every officer a

Imposition and rate of salary tax.

salary tax at the rates respectively prescribed in the First Schedule to this Act:

Provided that the Governor may by Order in Council from time to time, in respect of the salary or salaries of any officer or class of officers, or any section of any class of officers, reduce the rates of salary tax prescribed as aforesaid, and thereafter the salary tax in respect of the salary or salaries of such officer or class of officers or section of a class of officers shall be assessed accordingly:

Provided further, that salary tax shall not be assessed or payable in respect of the salary of any officer who proves to the satisfaction of the Treasurer or any person authorised in writing by the Treasurer to issue certificates of exemption as hereinafter mentioned—

- (a) that the salary of such person does not exceed two hundred and fifty-two pounds per annum, and that such person has a wife or husband or child, or a father or mother or sister or brother, solely dependent upon him;
- (b) that his work is being rationed by his employer, or that he is working only part time owing to causes beyond his control, to such extent that the salary which he is actually receiving is less than his full time salary by an amount which exceeds or is equal to the salary tax which would be payable in respect of his full time salary;

but the exemption granted by this proviso shall continue only during such period or periods as the conditions mentioned in paragraph (a) or paragraph (b) exist.

(2.) Any officer claiming exemption under the last proviso to subsection (1) of this section must prove to the satisfaction of the Treasurer or any person authorised in writing in that behalf by the Treasurer, that he is entitled to such exemption, and obtain from the Treasurer or such person a certificate of exemption in the Form A prescribed in the Third Schedule to this Act. The Treasurer or such other person as aforesaid, if satisfied that an officer is entitled to exemption as aforesaid, shall sign and deliver to such officer a certificate of exemption in the prescribed form.

(3.) Any such certificate may at any time be cancelled by the Treasurer or any other person authorised to sign certificates under this section, by notice in the Form B prescribed in the said Third Schedule and served upon the de-

partment, authority, or institution by which salary is payable to the officer named in such certificate, if the Treasurer or other person authorised as aforesaid is satisfied that the said officer is no longer entitled to such exemption.

6. (1.) Subject as hereinafter provided, the salary tax payable by an officer under this Act shall be assessed upon the amount of each and every periodical instalment of salary assessed to the nearest pound sterling, and shall be due and payable as and when such periodical instalments are payable; and such salary tax shall be deducted from the amount of each periodical instalment of salary by the department, authority, or institution paying the same, and be paid forthwith to the Treasurer, who shall pay the amount so received by him into the Consolidated Revenue Fund, or credit the same to the appropriated item, as the Treasurer may determine.

Provision for
payment and
collection of tax.

Provided that—

- (i) in the case of any officer who proves to the satisfaction of the Treasurer or any other person authorised to issue certificates of exemption under subsection (2) of section five of this Act that such officer has a wife or husband or child, or a father or mother or sister or brother solely dependent upon him, only such salary tax shall be payable and deductible in respect of and from the salary of such officer as shall, after making the deduction, leave for such officer salary equal to two hundred and fifty-two pounds per annum;
- (ii) in the case of any officer, who proves to the satisfaction of the Treasurer or any other person authorised to issue certificates of exemption under subsection (2) of section five of this Act, that such officer's work is being rationed by his employer, or that such officer is working only part time owing to causes beyond his control to the extent that the salary which he is actually receiving is less than his full time salary, and the amount of the difference is less than the amount of the salary tax which would be payable in respect of his full time salary, only such salary tax shall be payable and deductible in respect of and from the salary of such officer as shall, after making the deductions, leave for such officer salary equal to the amount

of his full time salary less the amount of the salary tax which would be payable in respect of his full time salary.

(2.) Any officer claiming the benefit of either paragraph (i) or paragraph (ii) of the last preceding proviso must prove to the satisfaction of the Treasurer or any person authorised to issue certificates of exemption as aforesaid that he is entitled to such benefit, and obtain from the Treasurer or other person aforesaid a certificate of benefit in the Form C prescribed in the Third Schedule to this Act. The Treasurer or such other person, if satisfied that an officer is entitled to the benefit aforesaid, shall sign and deliver to such officer a certificate of benefit in the prescribed form.

(3.) Any such certificate of benefit may at any time be cancelled by the Treasurer or any other person authorised to sign certificates under this section, by notice in the Form D prescribed in the said Third Schedule and served upon the department, authority, or institution by which salary is payable to the officer named in such certificate of benefit, if the Treasurer or other person authorised as aforesaid is satisfied that the said officer is no longer entitled to the said benefit.

Salary tax not paid or deducted to be a charge on future salary and to be deducted therefrom.

7. (1.) Notwithstanding anything to the contrary in this Act contained, any salary tax which has not been duly paid or duly deducted as in this Act required, or authorised to be paid or deducted, shall be and remain a charge upon the salary of the officer concerned as and when the same becomes payable after the date when such salary tax should have been duly paid and duly deducted, and the amount of the deficiency in payment of such salary tax shall be payable and shall be deducted in addition to any other salary tax payable by such officer, either in one amount or in several amounts, as the Treasurer may determine, from any future periodical instalments of salary payable to such officer.

(2.) Any salary tax payable by an officer which has not been duly paid or duly deducted shall be a debt due from such officer to the Crown, and shall be recoverable at the suit of the Treasurer in any court of competent jurisdiction, notwithstanding that such officer may, since the said salary tax became payable, have ceased to be an officer within the meaning of this Act.

8. The deduction of salary tax from the salary of an officer under this Act shall not in any manner alter or affect the grade, seniority, or position of such officer in relation to other officers in the service in which such officer is employed.

Deduction of salary tax not to affect rank or seniority of officer.

9. Nothing in this Act shall in any manner whatsoever prejudicially affect the rate of pension or superannuation or retiring allowance to which any officer or his representative shall at any time hereafter become entitled under the Superannuation Act, 1871, or any other Act, or under any superannuation or other scheme to the benefit whereof such officer or his representative shall be entitled; but the rate of any such pension or superannuation or retiring allowance shall be calculated upon the amount of such officer's salary, without regard to the deduction of salary tax therefrom, in the same manner as it would be calculated if the officer had first received his salary in full and thereafter himself paid the salary tax payable by him under this Act, notwithstanding anything in the Superannuation Act, 1871, or any other Act, or any superannuation or other scheme contained to the contrary.

Pension and superannuation rights preserved.

10. In assessing the income of an officer for the purposes of income tax under the provisions of the Land and Income Tax Assessment Act, 1907-1924, the Commissioner of Taxation shall allow salary tax paid by such officer under this Act as a deduction.

Salary tax paid to be a deduction for income tax purposes.

11. The Governor may make such regulations as may be necessary for carrying this Act into effect.

Regulations.

12. This Act shall continue in operation for a period of twelve months from and including the commencement thereof, and no longer.

Operation of Act .

FIRST SCHEDULE.

Rates of Salary Tax.

Salary per week where officer employed on weekly basis ; or equivalent salary per week where officer employed on a yearly basis.	Rate of Tax per centum.
Up to and including £4 10s 0d. 	£ s. d. 3 15 0 per cent.
Over £4 10s. 0d. and including £6 0s. 0d. 	5 0 0 ,,
Over £6 0s. 0d. and including £8 0s. 0d. 	6 5 0 ,,
Over £8 0s. 0d. and including £13 0s. 0d. 	7 10 0 ,,
Over £13 0s. 0d. and including £19 0s. 0d. 	8 15 0 ,,
Over £19 	10 0 0 ,,

SECOND SCHEDULE.

Institutions to which this Act applies.

- Agricultural Bank of Western Australia.
- Industries Assistance Board.
- Soldiers' Settlement Scheme.
- Forests Department.
- State Trading Concerns.
- Fremantle Harbour Trust.
- Bunbury Harbour Board.
- Albany Harbour Board.
- Metropolitan Market Trust.

THIRD SCHEDULE.

Form A.

SALARIES TAX ACT, 1930.

Certificate of Exemption.

To (a).....

This is to certify that (b).....who is employed
in the (c).....as a (d).....
is entitled to exemption from payment of salary tax under the second proviso
to subsection (1) of section 5 of the Salaries Tax Act, 1930, until this
certificate is cancelled.

Dated the.....day of.....193....

(e).....
Treasurer or authorised officer.

(a) Head of department or institution. (b) Name of officer. (c) Department or
Institution. (d) Nature of office. (e) Signature of person issuing the certificate.

THIRD SCHEDULE—continued.

Form B.

SALARIES TAX ACT, 1930.

Notice of Cancellation of Certificate of Exemption.

To (a).....

Take notice that the certificate of exemption issued under the provisions of the Salaries Tax Act, 1930, to (b)....., who is employed in the (c)..... as a (d)..... which certificate is dated the (e)..... day of..... 193..... is hereby cancelled.

Dated the..... day of..... 193.....

(f)....., Treasurer or authorised officer.

(a) Head of department or institution. (b) Name of officer. (c) Department or institution. (d) Nature of office. (e) Date of certificate. (f) Signature of person signing the notice.

Form C.

SALARIES TAX ACT, 1930.

Certificate of Benefit.

To (a).....

This is to certify that (b)..... who is employed in the (c)..... as a (d)..... is entitled to benefit under paragraph (i.) / (ii.) of the proviso to subsections (1) and (2) of section 6 of the Salaries Tax Act, 1930, until this certificate is cancelled.

Dated the..... day of..... 193.....

(e)....., Treasurer or authorised officer.

(a) Head of department or institution. (b) Name of officer. (c) Department or institution. (d) Nature of office. (e) Signature of person signing the certificate.

Form D.

SALARIES TAX ACT, 1930.

Notice of Cancellation of Certificate of Benefit.

To (a).....

Take notice that the certificate of benefit issued under the provisions of the Salaries Tax Act, 1930, to (b)..... who is employed in the (c)..... as a (d)..... which certificate is dated the (e)..... day of..... 193..... is hereby cancelled.

Dated the..... day of..... 193.....

(f)....., Treasurer or authorised officer.

(a) Head of department or institution. (b) Name of officer. (c) Department or institution. (d) Nature of office. (e) Date of certificate. (f) Signature of person signing the notice.