

PAY-ROLL TAX ASSESSMENT.

No. 106 of 1976.

AN ACT to amend the Pay-roll Tax Assessment Act, 1971-1975.

[Assented to 17th November, 1976.]

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

1. (1) This Act may be cited as the *Pay-roll Tax Assessment Act Amendment Act, 1976*. Short title.
and citation.

(2) In this Act the Pay-roll Tax Assessment Act, 1971-1975 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Pay-roll Tax Assessment Act, 1971-1976.

Commence-
ment.

2. This Act shall come into operation on the first day of January, 1977.

Saving.

3. Without limiting the application of the Interpretation Act, 1918, the amendments and repeals effected by this Act do not, except where otherwise specifically provided, affect any duty, obligation, liability, benefit or right imposed, created, incurred or existing in respect of wages that were paid or payable before the first day of July, 1976.

Section 3
amended.

4. Section 3 of the principal Act is amended by repealing subsections (4) and (5).

Section 6
amended.

5. Subsection (1) of section 6 of the principal Act is amended by deleting the passage commencing with the passage "Australia," in line fourteen and ending with the passage "Act.," at the end of the subsection and substituting the passage "Australia."

Section 9
repealed.

6. Section 9 of the principal Act is repealed.

Section 9A
amended.

7. Subsection (2) of section 9A of the principal Act is amended by adding after the word "period" in line five the passage ", but does not apply so as to authorise a deduction to be made in accordance with this section in respect of any return period that commences after the month of December, 1976".

Section 9B
added.

8. The principal Act is amended by adding after section 9A the following section—

Deduction
from taxable
wages
after 1st
January,
1977.

9B. (1) In this section—

"interstate wages" does not include interstate wages paid or payable by a member of a group;

“minimum amount”—

- (a) in relation to a return for a return period of one month, means the amount of \$2 000; and
- (b) in relation to a return for a return period of two or more months, means the product ascertained by multiplying the amount of \$2 000 by the number of months in that return period;

“prescribed amount”—

- (a) in relation to a return for a return period of one month, means \$4 000; and
- (b) in relation to a return for a return period of two or more months, means the product ascertained by multiplying \$4 000 by the number of months in that return period;

“taxable wages” does not include taxable wages paid or payable by a member of a group.

(2) This section applies only so as to authorise a deduction to be made for a return period that is after the month of December, 1976, from the taxable wages included in a return or assessment relating to that return period.

(3) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay taxable wages for the whole of a return period but does not pay and is not liable to pay interstate wages during that return

period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to that return period)—

(a) the prescribed amount, reduced by \$2 for each \$3 (disregarding any remainder) by which the amount of those taxable wages (in whole dollars) exceeds the prescribed amount; or

(b) the minimum amount,

whichever is the greater.

(4) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay wages during a return period and pays or is liable to pay taxable wages for part only of that return period but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to that return period) the amount—

(a) that bears to the prescribed amount the same proportion as the number of days in that part of that return period bears to the total number of days in that return period, reduced by \$2 for each \$3 (disregarding any remainder) by which the amount of those taxable wages (in whole dollars) exceeds the same proportion of the prescribed amount; or

(b) (in whole dollars) that bears to the minimum amount the same proportion as the number of days in that part of that return period bears to the total number of days in that return period,

whichever is the greater.

(5) An employer who during any return period pays or is liable to pay taxable wages and interstate wages may, by notice in writing in the approved form containing the approved particulars, served on the Commissioner, nominate an amount, calculated in the approved manner, not exceeding the prescribed amount, as the deduction that he claims to be entitled to make for that return period and for subsequent return periods.

(6) For the purpose of ascertaining the pay-roll tax payable by an employer who has served on the Commissioner a notice under subsection (5) of this section, there shall, subject to subsection (7) of this section, be deducted, for a return period (being the return period ending last before the day on which he served that notice on the Commissioner or any subsequent return period) from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) the amount nominated in that notice.

(7) The Commissioner may, on an application made to him in writing by an employer who pays or is liable to pay taxable wages and interstate wages during any return period or of his own motion in relation to such an employer, at any time, make a determination specifying an amount, not exceeding the prescribed amount, that may be deducted for any return period specified or referred to in the determination (being a return period commencing before, but not before the first day of January, 1977, or after, or the return period in which, the determination is made) from the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) and there shall be deducted, for any such return period, from the amount of the

taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) the amount so specified.

(8) The Commissioner may, at any time, by instrument in writing, revoke a determination made under subsection (7) of this section and any such revocation shall have effect as on and from the first day of the return period specified in the instrument, whether that return period is before, but not before the date of the determination, or after or the return period in which, the instrument is executed by him.

(9) The Commissioner shall, as soon as practicable after making a determination under subsection (7) of this section or a revocation under subsection (8) of this section, serve notice of the determination or revocation on the employer concerned. .

Section 11
repealed.

9. Section 11 of the principal Act is repealed.

Section 11A
amended.

10. Section 11A of the principal Act is amended—

(a) by deleting the interpretation “financial year”;

(b) by adding after subsection (1) the following subsection—

(1a) In subsection (3) of this section and in sections 11B and 11C of this Act, “financial year” means the financial year commencing on the first day of July, 1976 and each financial year thereafter. ; and

(c) by repealing subsection (2) and substituting the following subsections—

(2) For the purposes of the financial year commencing on the first day of July, 1976, a reference in sections 11B and 11C of this Act to the “prescribed amount”

is, in relation to an employer, a reference to the sum of the amounts calculated in accordance with the following formulae—

$$\frac{\text{TWD}}{(\text{TWD} + \text{IWD})} \left[\frac{20\,800\text{ A}}{184} - \frac{2}{3} \left\{ \text{TWD} + \text{IWD} - \frac{20\,800\text{ A}}{184} \right\} \right]$$

and

$$\frac{\text{TWJ}}{(\text{TWJ} + \text{IWJ})} \left[\begin{array}{l} \text{(a) } \frac{24\,000\text{ B}}{181} - \frac{2}{3} \left\{ \text{TWJ} + \text{IWJ} - \frac{24\,000\text{ B}}{181} \right\} \\ \text{or} \\ \text{(b) } \frac{12\,000\text{ B}}{181}, \\ \text{whichever is the greater} \end{array} \right]$$

where—

TWD is the amount of taxable wages paid or payable by the employer during the period commencing on the first day of July, 1976 and ending on the thirty-first day of December, 1976;

IWD is the amount of interstate wages paid or payable by the employer during the period commencing on the first day of July, 1976 and ending on the thirty-first day of December, 1976;

TWJ is the amount of taxable wages paid or payable by the employer during the period commencing on the first day of January, 1977 and ending on the thirtieth day of June, 1977;

IWJ is the amount of interstate wages paid or payable by the employer during the period commencing on the first day of January, 1977 and ending on the thirtieth day of June, 1977;

A is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on the first day of July, 1976 and ending on the thirty-first day of December, 1976; and

B is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on the first day of January, 1977 and ending on the thirtieth day of June, 1977.

(2a) For the purposes of the financial year commencing on the first day of July, 1977 and each financial year thereafter, a reference in sections 11B and 11C of this Act to the "prescribed amount" is, in relation to an employer, a reference to the amount calculated in accordance with the following formula—

$$\frac{TW}{(TW + IW)} \left[\begin{array}{l} \text{(a) } \frac{48\,000\ C}{D} - \frac{2}{3} \left\{ TW + IW - \frac{48\,000\ C}{D} \right\} ; \\ \text{or} \\ \text{(b) } \frac{24\,000\ C}{D}, \\ \text{whichever is the greater} \end{array} \right]$$

where—

TW is the amount of taxable wages paid or payable by the employer during the financial year;

IW is the amount of interstate wages paid or payable by the employer during the financial year;

C is the number of days in the financial year in respect of which the employer paid or was liable to pay wages (disregarding foreign wages) ; and

D is the number of days in the financial year. ; and

(d) by repealing subsection (4).

11. Subsection (2) of section 11B of the principal Act is amended by deleting the passage “commencing on or after the first day of January, 1976, made or to be made under this Act by an employer” in lines two, three, four and five.

Section 11B
amended.

12. The principal Act is amended by adding after section 11C the following section—

Section 11D
added.

11D. Where an employer or a designated group employer, on application made in the approved form to the Commissioner not later than the thirtieth day of June, 1978, satisfies the Commissioner that the total amount of pay-roll tax paid or payable by him under this Act in respect of the financial year ending on the thirtieth day of June, 1977 exceeds by more than \$10 the total amount of pay-roll tax which would have been paid or payable in respect of that financial year if the Pay-roll Tax Assessment Act Amendment Act, 1976 had not been enacted, the Commissioner shall refund or rebate the amount by which the first-mentioned total amount exceeds the second-mentioned total amount. .

Special
annual
adjustment.

13. (1) Section 12 of the principal Act is amended by deleting the passage “\$800” where it occurs in subsection (1) and again in subsection (2a) and substituting the passage “\$900”, in both cases.

Section 12
amended.

(2) The power conferred on the Commissioner by subsection (2) of section 12 of the Pay-roll Tax Assessment Act, 1971 extends to authorising the Commissioner to cancel the registration of a person as an employer where that person was not, immediately before the first day of January, 1977, an employer paying wages as referred to in subsection (1) of section 12 of that Act, as so amended.

Section 16 I
amended.

14. Section 16 I of the principal Act is amended—

- (a) by deleting the passage “not exceeding the prescribed amount as defined in subsection (1) of section 9A of this Act,” in lines nine, ten and eleven of subsection (1), and substituting the following passage—

not exceeding—

- (a) in relation to a return period ending not later than the thirty-first day of December, 1976, the prescribed amount as defined in subsection (1) of section 9A of this Act;
- (b) in relation to a return period commencing on or after the first day of January, 1977, the prescribed amount as defined in subsection (1) of section 9B of this Act, ;

- (b) by deleting the passage “not exceeding the prescribed amount as defined by subsection (1) of section 9A of this Act,” in lines six, seven and eight of subsection (4), and substituting the following passage—

not exceeding—

- (a) in relation to a return period ending not later than the thirty-first day of December, 1976, the prescribed amount as defined in subsection (1) of section 9A of this Act;

- (b) in relation to a return period commencing on or after the first day of January, 1977, the prescribed amount as defined in subsection (1) of section 9B of this Act, ;
- (c) by adding after the word "any" in line nine of subsection (4) the word "such"; and
- (d) by deleting the passage " , but not before the first day of January, 1976," in lines eleven and twelve of subsection (4).

15. Section 16J of the principal Act is repealed and re-enacted as follows—

Section 16J repealed and re-enacted.

16J. (1) For the purposes of the financial year commencing on the first day of July, 1976, a reference in sections 16K and 16L of this Act to the "prescribed amount" is, in relation to a designated group employer, a reference to the sum of the amounts calculated in accordance with the following formulae—

"Prescribed amount" for purposes of sections 16K and 16L.

$$\frac{TWD}{(TWD + IWD)} \left[\frac{20\,800\,A}{184} - \frac{2}{3} \left\{ TWD + IWD - \frac{20\,800\,A}{184} \right\} \right]$$

and

$$\frac{TWJ}{(TWJ + IWJ)} \left[\begin{array}{l} \text{(a) } \frac{24\,000\,B}{181} - \frac{2}{3} \left\{ TWJ + IWJ - \frac{24\,000\,B}{181} \right\} ; \\ \text{or} \\ \text{(b) } \frac{12\,000\,B}{181} \\ \text{whichever is the greater} \end{array} \right]$$

where—

TWD is the amount of taxable wages paid or payable by the members of the group during the period commencing on the first day of July, 1976 and ending on the thirty-first day of December, 1976;

IWD is the amount of interstate wages paid or payable by the members of the group during the period commencing

on the first day of July, 1976 and ending on the thirty-first day of December, 1976;

TWJ is the amount of taxable wages paid or payable by the members of the group during the period commencing on the first day of January, 1977 and ending on the thirtieth day of June, 1977;

IWJ is the amount of interstate wages paid or payable by the members of the group during the period commencing on the first day of January, 1977 and ending on the thirtieth day of June, 1977;

A is the number of days in that part of the period commencing on the first day of July, 1976 and ending on the thirty-first day of December, 1976 for which that designated group employer was the designated group employer for the group, reduced by the number of days, if any, during that part in respect of which none of the members of the group paid or was liable to pay wages (disregarding foreign wages); and

B is the number of days in that part of the period commencing on the first day of January, 1977 and ending on the thirtieth day of June, 1977 for which that designated group employer was the designated group employer for the group, reduced by the number of days, if any, during that part in respect of which none of the members of the group paid or was liable to pay wages (disregarding foreign wages).

(2) For the purposes of the financial year commencing on the first day of July, 1977 and each financial year thereafter, a reference in sections 16K and 16L of this Act to the

“prescribed amount” is, in relation to a designated group employer, a reference to the amount calculated in accordance with the following formula—

$$\frac{\text{TW}}{(\text{TW} + \text{IW})} \left[\begin{array}{l} \text{(a) } \frac{48\,000\text{ C}}{\text{D}} - \frac{2}{3} \left\{ \text{TW} + \text{IW} - \frac{48\,000\text{ C}}{\text{D}} \right\} ; \\ \text{or} \\ \text{(b) } \frac{24\,000\text{ C}}{\text{D}} , \\ \text{whichever is the greater} \end{array} \right]$$

where—

TW is the amount of taxable wages paid or payable by the members of the group during the financial year;

IW is the amount of interstate wages paid or payable by the members of the group during the financial year;

C is the number of days in that part of the financial year for which that designated group employer was the designated group employer for the group, reduced by the number of days, if any, during that part in respect of which none of the members of the group paid or was liable to pay wages (disregarding foreign wages); and

D is the number of days in the financial year. .

16. Section 16K of the principal Act is amended by deleting the word “January” where it occurs in line three of subsection (4) and again in line three of subsection (5), and substituting the word “July”, in both cases.

Section 16K
amended.