



Western Australia

## **Gold Mining Profits Tax Assessment Act 1934**

This Act was repealed by the *Statute Law Revision Act 2006* s. 3(1) (No. 37 of 2006) as at 4 Jul 2006 (see s. 2).



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## **Gold Mining Profits Tax Assessment Act 1934**

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Western Australia

## **Gold Mining Profits Tax Assessment Act 1934**

**An Act to regulate the assessment and collection of a Tax on the profits of Companies carrying on the business of Gold Mining in Western Australia.**

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: —

**1. Short title**

This Act may be cited as the *Gold Mining Profits Tax Assessment Act 1934*.

*[Section 1 amended by No. 47 of 1937 s.32.]*

**2. Act to be read with *Income Tax Assessment Act 1937***

Subject to any express provisions of this Act to the contrary this Act shall be read as one with the *Income Tax Assessment Act 1937*.

*[Section 2 amended by No. 47 of 1937 s.23.]*

**3. Interpretation**

In this Act, subject to the context —

**“Commissioner”** means the Commissioner of Taxation appointed under the *Income Tax Assessment Act 1937*.

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**“Company”** includes every incorporated company or association (wheresoever and howsoever incorporated) which carried on the business of gold mining in Western Australia.

**“Gold Mining”** means all modes of prospecting and mining for and obtaining gold, and the realisation of the gold when extracted from the ore or other material in which it is contained.

*[Section 3 amended by No. 47 of 1937 s.24.]*

**4. Administration of this Act**

- (1) The Commissioner, shall have the general administration of this Act.
- (2) The Commissioner may delegate to any officer of the Commonwealth Taxation Department any power, duty, or function of the Commissioner under this Act.

**5. Gold mining profits tax**

Subject to the provisions of this Act, there shall be charged, levied, collected, and paid for the use of His Majesty a tax, to be called the gold mining profits tax, on the amount of the taxable income of every company as assessed under the *Income Tax Assessment Act 1937*, subject however to the provisions of section nine of this Act, at such rate in the pound as Parliament shall from time to time declare and enact.

*[Section 5 amended by No. 47 of 1937 s.25.]*

**6. Assessments**

As and when the Commissioner assesses a company for income tax under the *Income Tax Assessment Act 1937*, he shall also assess the company for goldmining profits tax and serve the company with a notice of assessment.

*[Section 6 amended by No. 47 of 1937 s.26.]*

**7. Payment of tax**

Subject as hereinafter provided, every company served with notice of assessment under section six of this Act shall within thirty days after such service pay to the Commissioner the amount of the gold mining profits tax by such assessment charged and declared to be payable by such company:

Provided that the Commissioner may —

- (i) extend the time for payment; or
- (ii) permit the payment of the tax by instalments or otherwise within a time to be determined by the Commissioner.

*[Section 7 amended by No. 47 of 1937 s.27.]*

**8. Penalty for late payment of tax**

- (1) In every case there a company fails or neglects to pay the amount of any gold mining profits tax payable by such company within the time limited by this Act for the payment of the same, or within such further time as the Commissioner may have allowed, the company shall be liable to pay, as a penalty for such late payment, in addition to the amount of the tax, a sum equal to ten pounds per centum per annum of the amount of the said tax until the date of such payment being made.
- (2) Any such penalty shall be added to the amount of the tax payable, and shall be recoverable as part of such tax: Provided that the Commissioner may remit or reduce the amount of any penalty payable under this section, and may refund, either wholly or in part, any penalty paid under this section.

**9. Saving provision**

- (1) Noting contained in subsection (1) of section one hundred and twenty-two of the *Income Tax Assessment Act 1937*, shall operate or be deemed to operate so as to exempt a company within the meaning of this Act to which the said subsection applies from its obligation to pay gold mining profits tax under

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this Act on the net profits of such company, or to exempt such company from its obligation to furnish to the Commissioner for the purposes of this Act a return of its profits in compliance with section one hundred and forty-nine of the *Income Tax Assessment Act 1937*.

- (2) Every company within the meaning of this Act to which subsection (1) of section one hundred and twenty-two of the *Income Tax Assessment Act 1937*, applies, shall, notwithstanding anything to the contrary contained in such subsection, furnish to the Commissioner for the purposes of this Act returns of its profits, in compliance with the provisions of section one hundred and forty-nine of the *Income Tax Assessment Act 1937*.

*[Section 9 amended by No. 47 of 1937 s.28.]*

**10. Tax is a debt due to the King**

The gold mining profits tax charged and payable under this Act shall be a debt due to His Majesty from the companies by which such tax is payable.

*[Section 10 amended by No. 47 of 1937 s.29.]*

**11. Tax to be paid before dividend paid**

No company, and no person acting on behalf of a company, shall distribute any profits chargeable with gold mining profits tab whether by way of dividend or otherwise until the gold mining profits tax payable in respect thereof has been paid.

**12. Amendment of assessments**

- (1) When, as the result of an appeal by any company under section one hundred and seventy of the *Income Tax Assessment Act 1937*, against an assessment of profits made by the Commissioner for the purposes of tax under that Act, the assessment appealed against is ordered to be amended, and such assessment has also been used by the Commissioner as the basis of the assessment of the gold mining profits tax payable under

this Act, the amendment made in such assessment of profits shall apply and have effect also for the purposes of this Act, and the Commissioner shall assess or re-assess, as the case may require, the amount of the gold mining profits tax payable by the company in accordance with the assessment of profits as amended as aforesaid.

- (2) If upon any re-assessment as aforesaid it is found that the company has paid gold mining profits tax in excess of the amount for which it is liable, the Commissioner shall refund the amount of the excess to the company.

*[Section 12 amended by No. 47 of 1937 s.30.]*

**13. Regulations**

The Governor may from time to time make such regulations as may be necessary or convenient for prescribing any act, matter, or thing necessary or expedient to be prescribed for carrying out the purposes of this Act.

**14. *Incorporation of Income Tax Assessment Act 1937, Part IV. and VI.***

Subject to the express provisions of this Act all the provisions of Part IV. and Part VI. of the *Income Tax Assessment Act 1937*, shall apply with the necessary modifications in relation to returns and assessments and the collection and recovery of tax under this Act, but the return rendered by any person under the *Income Tax Assessment Act 1937*, may be utilised by the Commissioner for the purpose of making all assessment under this Act, and such return shall be deemed to have been furnished to all intents and purposes for the purpose of this Act.

*[Section 14 amended by No. 47 of 1937 S.31.]*

**Notes**

- <sup>1</sup>. This is a compilation of the *Gold Mining Profits Tax Assessment Act 1934* and includes all amendments effected by the other Acts referred to in the following Table.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Gold Mining Profits Tax Assessment Act 1934</i>	20 of 1934	12 Dec 1934	12 Dec 1934
<i>Special Tax Assessment Acts Revision Act 1937, Part IV</i>	47 of 1937	18 Jan 1938	24 Dec 1937 (see s. 1 and <i>Gazette</i> 24 Dec 1937 p.2169)
<b>This Act was repealed by the <i>Statute Law Revision Act 2006</i> s. 3(1) (No. 37 of 2006) as at 4 Jul 2006 (see s. 2)</b>			