

WESTERN AUSTRALIA.



ANNO NONO

GEORGII QUINTI REGIS,

XIV.

No. 24 of 1918.

AN ACT to amend the Land and Income Tax
Assessment Act, 1907.

[Assented to 13th June, 1918.]

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. This Act may be cited as the *Land and Income Tax Assessment Act Amendment Act, 1918*, and shall be read as one with the Land and Income Tax Assessment Act, 1907, hereinafter referred to as the principal Act. Short title.

2. Section two of the principal Act is hereby amended by inserting the following definition :— Amendment of 2.

“Dependent” means a relative of a taxpayer by blood, marriage, or adoption towards whose maintenance the taxpayer has contributed Twenty-six pounds during the year in which his taxable income was derived.

Amendment of Sec.
16.
Incomes liable to
taxation.

3. Section sixteen of the principal Act is hereby amended as follows:—

(a.) By omitting the words “exceeding two hundred pounds per annum” in subsection (1).

(b.) By adding to subsection (1) provisos as follows:—

Provided that if the “income chargeable” from all sources of any person shall not, in the year next preceding the year of assessment, exceed one hundred pounds, such income shall be exempt from taxation:

Provided also that if the “income chargeable” from all sources of any person who is married or has a dependent shall not, in the year next preceding the year of assessment, exceed one hundred and fifty-six pounds, such income shall be exempt from taxation.

(c.) By omitting subsection (2).

Amendment of Sec.
19.

4. Section nineteen of the principal Act is hereby amended by inserting a subsection as follows:—

“(10.) Any pension received by a person for injuries while on active service in the naval or military forces during the present war.”

Amendment of Sec.
20.

5. Section twenty of the principal Act is hereby amended by adding to subsection (4) the following words:—

“The income tax on such stakes shall be at the rate of fourpence in every pound sterling thereof, and the provisos to subsection one of section sixteen, and the provisions of section thirty shall not apply.”

Amendment of Sec.
25.

6. Section twenty-five of the principal Act is hereby amended by omitting the words “taxable amount of the income” and inserting the words “income chargeable” in place thereof.

Amendment of Sec.
30.

7. Section thirty of the principal Act is hereby amended—

(a.) by inserting the word “like” after the word “other” in subsection (3);

(b.) by omitting subsection (7) and inserting a subsection in place thereof as follows:—

“(7.) Where any taxpayer occupies and actually uses for the sole purpose of his business any business premises or any portion thereof, of which he is the legal or equitable owner in fee simple, he shall be allowed in any return of income derived from

such business to claim as an outgoing a sum computed at the rate of four pounds per centum per annum on the value of such business premises or portion thereof, subject to any mortgage or charge thereon or unpaid purchase money, if any :

Provided that the deduction under this subsection shall only be allowed so far as there is any income remaining, as assessed, derived from the business carried on by the taxpayer upon such premises, after allowing all other business deductions, from which the deduction under this subsection can be made.

- (c.) by adding to subsection (9) after the word "vocation" the words "and the earning of income from other sources including investments."
- (d.) by omitting the word "ten" in subsection (10) and inserting the word "twenty-six" in place thereof.
- (e.) By inserting the words "interest on mortgage and loans" after the word "outgoings" in the first line of subsection (1) of section 30 of the principal Act.
- (f.) by inserting the following subsections :—
 - (11.) The cost actually incurred during the year by a taxpayer for labour and materials employed in development work, as prescribed, in a mine, when the business of a taxpayer is that of mining :

Mining Develop-
ment.
 - Provided that if the mine is sold in any year, the sale price shall be taxable income, subject to the deduction of any capital expenditure on the mine in that or any preceding year which has not already been allowed as a deduction in any assessment.
 - (12.) All rates and taxes, including State and Federal land taxes and Federal income tax, actually paid in Western Australia in respect of land situate in or income derived in Western Australia by the taxpayer during the year in which the income was received, but not including any State income tax paid under this Act.

Rates and taxes.

Amendment of Sec.
32.

8. Section thirty-two of the principal Act is hereby amended by omitting subsection eight and inserting in its place the following :—

(8.) The Commissioner may, when and so often as he thinks necessary, require any person, whether liable to taxation or not, to make any return, or to make further or fuller returns, respecting the land or income of such person.

Amendment of Sec.
34.

9. Section thirty-four of the principal Act is hereby amended by omitting in paragraph (b) of subsection one, the words, "alter or reduce," and inserting in their place the words, "increase, reduce, alter."

Amendment of Sec.
47.

10. Section forty-seven of the principal Act is hereby repealed, and a section is inserted in its place as follows :—

Notice to Tax-
payer.

47. The Commissioner shall give the prescribed notice of assessment to every taxpayer, with such particulars of the assessment as he may consider necessary, and of the amount of tax payable and the date when payment will be due. Such notice shall be designated the Notice of Assessment of Land Tax or Income Tax, as the case may be.

Amendment of Sec.
49.

11. Section forty-nine of the principal Act is hereby amended—

(a.) By adding to subsection (1) the following proviso :—

Provided that no appeal shall be heard unless one-half of the tax payable on the assessment and any fines accrued thereon together with any arrears of like tax and fines are deposited with the Commissioner.

(b.) By omitting the word, "Public" in subsection (3).

Amendment of Sec.
53.

12. Section fifty-three of the principal Act is hereby repealed and a section is inserted in its place as follows :—

When tax payable.

53. Land tax and income tax, respectively shall, subject to the provisions of this Act, be due and payable on the date stated in the notice of assessment given to the taxpayer.

Amendment of
Section 65.
Regulations.

13. Section sixty-five of the principal Act is hereby amended by adding a paragraph as follows :—

(8.) To enable the Commissioner in his discretion to accept returns of land or income in an abridged or modified form if the information supplied enables the assessment to be duly made.

14. A section is inserted in the principal Act, and shall have effect as follows:—

25A. If any person carries on a business in Western Australia, and sells any product of such business for delivery elsewhere than in Western Australia, whether the contract of sale is made within or without Western Australia, the profit arising from such sale shall be deemed income arising or accruing to such person from his said business and to have been earned within the State of Western Australia.

Income from sales for delivery beyond Western Australia.

Provided that if it is proved to the satisfaction of the Commissioner that, through treatment of such product elsewhere than in Western Australia, the profit on such sale has been thereby increased, such increase of profit shall not be deemed income arising or accruing to such person from his business in Western Australia:

Provided further that where a person carries on business in Western Australia and elsewhere and transfers goods from or to his business in Western Australia to or from his business elsewhere, all such goods so transferred shall for the purpose of assessment be returned by him at actual cost.

15. A section is inserted in the principal Act and shall have effect as follows:—

Shipping business.

25B. (1.) The income chargeable of any person carrying on shipping business shall be assessed in respect of such business, so far as it extends to traffic between ports in Western Australia and ports beyond Western Australia, at a sum equal to five pounds per centum of the gross proceeds of all inward and outward traffic, including passenger fares; but the provisions of section thirty of this Act shall not apply.

(2.) Nothing herein contained shall relieve any such person from the liability to pay income tax on any income arising from the sale of goods, in connection with such business, or derived from any other business.

16. A section is inserted in the principal Act and shall have effect as follows:—

Additional tax for late returns and for omission in returns.

68A. Any person who—

(a.) Fails or neglects to duly furnish any return as and when required by this Act or the regulations or by the Commissioner; or

See C. No. 34 of 1915, s. 59.

(b.) Fails to include any assessable income in any return ; or

shall, if a taxpayer, be liable to pay, on demand by the Commissioner, by way of additional tax an amount of not exceeding ten per centum of the amount of tax assessable to him, in addition to any additional tax which may become payable by him in accordance with section fifty-four of this Act :

Provided that the Commissioner may, in any particular case, for reasons which he thinks sufficient, remit the additional tax or any part thereof.

17. A section is inserted in the principal Act and shall have effect as follows:—

Requirements of
Commissioner to be
complied with.

69A. Every person whether a taxpayer or not shall comply with any demand or requirement made by the Commissioner under the authority of this Act.

Manner of showing
amendments.

18. All copies of the principal Act printed by the Government Printer after the commencement of this Act shall be printed as amended by the Land and Income Tax Assessment Act Amendment Act, 1917, and this Act, under the supervision of the Clerk of Parliaments, and all necessary references to the amending Acts shall be made in the margin. In such reprint the second paragraph of subsection (9) of section 30 shall be transposed to the end of the section, and the words "this Act" shall be substituted for the words "the principal Act" in sections 6, 7, and 8 of the Land and Income Tax Assessment Act Amendment Act, 1917, and in section 8 thereof the words "the Land and Income Tax Act Assessment Act Amendment Act, 1917," shall be substituted for the words "this Act," and the said sections 6 and 7 shall be inserted as the final sections of the principal Act as reprinted, and the said section 8 shall be inserted as a proviso to subsection (1) of section twenty-nine of the principal Act.