

WESTERN AUSTRALIA.



ANNO QUINTO

GEORGII QUINTI REGIS,

LI.

No. 24 of 1915.

AN ACT to further amend the Dividend Duties Act, 1902.

[Assented to 19th February, 1915.]

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 *Dividend Duties Act Amendment Act*, 1914, and shall be read as one with the Dividend Duties Act, 1902, hereinafter referred to as the principal Act. Short title.

2. Section six of the principal Act is hereby repealed. Repeal of section 6.

3. Section seven of the principal Act is hereby amended by omitting the words "and elsewhere," in line three. Amendment of section 7.

4. If it is proved to the satisfaction of the Minister that any Company carrying on business in Western Australia has, during the year one thousand nine hundred and fourteen, or in any subsequent year, distributed a dividend or dividends out of profits made by the Company during such year, and has paid duty thereon, the company shall receive credit for the duty so paid as a payment on account of the duty payable by such company on its profits for that year. Credit to be given for duty paid on dividends.

Undistributed
profits.

5. When any undistributed profits standing on the first day of January, one thousand nine hundred and fourteen, to the credit of profit and loss account, or of any appropriation, reserve, or other like account, of any company, are at any time thereafter distributed, or otherwise applied as dividend, or converted into capital in any way, the amount of such profits shall, when so distributed, applied or converted, if duty has not already been paid thereon, be liable to duty under this Act as if such profits had been made during the year in which such distribution, application, or conversion is made.

Provided that profits earned before the eleventh day of July, 1899, shall not be liable to duty. Provided also that this section shall not apply to any company which comes within the operation of section eight of the principal Act.

Subsidiary com-
panies.

6. Where any company purchases or otherwise acquires its trading stock, or the main portion thereof, from or through some other company carrying on business either within or without Western Australia, and the share capital of the first-mentioned company is held by such other company or its nominees, or the greater part of the share capital of the first-mentioned company is held by shareholders of such other company, the Minister may, in his discretion, assess the profits of the first-mentioned company either on a profit and loss basis, or at a sum equal to a percentage on the amount of its total sales actually made in Western Australia, the rate of such percentage being determined by the Minister according to the nature of the company's business.

In case of winding
up.

7. When a company is in process of winding up, or ceases to carry on business in Western Australia, it shall not be relieved from its liability for duty under this Act, and such company, or its liquidator, shall furnish returns and pay duty on demand by the Minister on any profits assessed by him for the period up to the date when such company ceased to carry on business in Western Australia and until such duty is paid such company shall, for the purposes of this Act, be deemed to carry on business in Western Australia.

Any money, or its equivalent, distributed among the shareholders in excess of the amount paid up or deemed to be paid up on their shares, shall be deemed profits for the purposes of this section, and be liable to duty, except such portion thereof (if any) as may consist of undistributed profits made before the eleventh day of July, 1899.

Section fourteen of the principal Act is hereby repealed.