

**GOLD MINING PROFITS TAX
ASSESSMENT ACT, 1934-1937.**

No. 20 of 1934

(as amended by No. 47 of 1937*).

**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.**

[Assented to 12th December, 1934.]

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 author-
ity of the same, as follows:—

1. This Act may be cited as the *Gold Mining Profits
Tax Assessment Act, 1934-1937.*

Short title.
Amended by
No. 47 of
1937, s. 32.

2. 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.

Act to be
read with
Income Tax
Assessment
Act, 1937.
Amended by
No. 47 of
1937, s. 23.
Interpreta-
tion.

3. In this Act, subject to the context—

“Commissioner” means the Commissioner of Taxa-
tion appointed under the Income Tax Assess-
ment Act, 1937.

Amended by
No. 47 of
1937, s. 24.

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

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

*Assented to 18th January, 1938.

Administra-
tion of this
Act.

4. (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.

Gold mining
profits tax.
Amended by
No. 47 of
1937, s. 25.

5. 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.

Assessments.
Amended by
No. 47 of
1937, s. 26.

6. 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 gold-mining profits tax and serve the company with a notice of assessment.

Payment of
tax.
Amended by
No. 47 of
1937, s. 27.

7. 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.

Penalty for
late payment
of tax.

Formerly s.
9 of the prin-
cipal Act, No.
20 of 1934.

8. (1.) In every case where 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. (1.) Nothing 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 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.

Saving provision.
Amended by No. 47 of 1937, s. 28.
Formerly s. 10 of the principal Act, No. 20 of 1934.

(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.

10. 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.

Tax is a debt due to the King.
Amended by No. 47 of 1937, s. 29.
Formerly s. 11 of the principal Act, No. 20 of 1934.

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

Tax to be paid before dividend paid.
Formerly s. 12 of the principal Act, No. 20 of 1934.

12. (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

Amendment of assessments.
Amended by No. 47 of 1937, s. 30.
Formerly s. 13 of the principal Act, No. 20 of 1934.

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.

Regulations.
Formerly s.
14 of the
principal Act,
No. 20 of
1934.

13. 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.

Incorporation
of Income
Tax Assess-
ment Act,
1937, Parts
IV. and VI.
Amended by
No. 47 of
1937, s. 31.
Formerly s.
15 of the
principal Act,
No. 20 of
1934.

14. 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 an 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.