



Western Australia

State Enterprises (Commonwealth Tax Equivalents) Act 1996

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Reprints Act 1984 as
at 6 August 2004

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State Enterprises (Commonwealth Tax Equivalents) Act 1996

An Act to authorise the imposition on State enterprises of liability to pay to the Consolidated Fund amounts equivalent to income and sales tax from which they are exempt under Commonwealth law, to repeal the *Public Authorities (Contributions) Act 1974* and to amend certain other Acts ².

1. Short title

This Act may be cited as the *State Enterprises (Commonwealth Tax Equivalents) Act 1996* ¹.

2. Commencement

This Act comes into operation on such day as is fixed by proclamation ¹.

3. Application in 1996/97 financial year

- (1) If when this Act commences the obligation in section 5 applies to a State enterprise in respect of the financial year that began on 1 July 1996, the application of the obligation extends to the period from 30 June 1996 to the commencement of this Act.
- (2) Regulations made under section 6(2) may vary the operation of subsection (1) in respect of a particular State enterprise.

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- (3) When this Act commences the repeal and amendments made by sections 9 and 10 are to be taken to have come into operation on 1 July 1996.

4. Interpretation

In this Act, unless the contrary intention appears —

“**financial year**” includes part of a financial year;

“**income tax**” means the tax levied under section 17 of the *Income Tax Assessment Act 1936* of the Commonwealth;

“**sales tax**” means the tax that is payable under the *Sales Tax Assessment Act 1992* of the Commonwealth;

“**State enterprise**” means —

(a) a company; or

(b) a body established by a written law,

that is for the time being a State/Territory body (and not an excluded STB) under Division 1AB of Part III of the *Income Tax Assessment Act 1936* of the Commonwealth or section 3D of the *Sales Tax (Exemptions and Classifications) Act 1992* of the Commonwealth.

5. Payment of amount in lieu of Commonwealth tax

- (1) A State enterprise to which this section applies is to pay to the Treasurer a tax equivalent sum in respect of each financial year.
- (2) The tax equivalent sum is to equal the amount of any income tax or sales tax for which the enterprise would have been liable in respect of the financial year if the enterprise were not exempt from that tax under the relevant Commonwealth Act.

6. Application of section 5 to State enterprises

- (1) The obligation in section 5 only applies —
- (a) to a State enterprise if, and to the extent that, it is prescribed by the regulations for the purposes of that section; and

(b) in respect of a financial year during which the State enterprise is exempt from income tax or sales tax under the relevant Commonwealth law.

(2) Where a State enterprise is so prescribed, or the prescription of a State enterprise is revoked, the regulations may make provisions of a transitional nature that are necessary or convenient in connection with the prescription or revocation.

7. Determination of amounts under section 5

(1) The Treasurer is to determine —

(a) the principles and rules according to which the liability under section 5 is to be assessed;

(b) who is to make the assessments; and

(c) the times at which payments are to be made.

(2) The Treasurer may also give directions and rulings for the purpose of giving effect to section 5.

(3) A State enterprise is to comply with any such determination, direction or ruling that applies to it.

(4) This section has effect subject to any regulations of the kind referred to in section 6(2).

8. Regulations

The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to this Act.

9. Repeal and transitional provisions

(1) The *Public Authorities (Contributions) Act 1974* is repealed.

(2) Despite the repeal effected by subsection (1) —

(a) the Bunbury Water Board is to transfer to the Consolidated Fund, not later than 30 September 1997,

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5% of the total revenue of that board for the year to 30 September 1996;

- (b) the Busselton Water Board is to transfer to the Consolidated Fund, not later than 30 December 1996, 5% of the total revenue of that board for that part of its financial year that ended on 30 June 1996; and
- (c) section 3(2) and (3) of the repealed Act continue to apply for the purposes of paragraphs (a) and (b).

[10. *Omitted under the Reprints Act 1984 s. 7(4)(e).*]

Notes

- ¹ This is a reprint as at 6 August 2004 of the *State Enterprises (Commonwealth Tax Equivalents) Act 1996*. The following table contains information about that Act and any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>State Enterprises (Commonwealth Tax Equivalents) Act 1996</i>	55 of 1996	11 Nov 1996	s. 9 and 10: 1 Jul 1996 (see s. 2 and 3(3)); balance: 7 Jun 1997 (see s. 2 and <i>Gazette</i> 6 Jun 1997 p. 2615)
Reprint 1: The <i>State Enterprises (Commonwealth Tax Equivalents) Act 1996</i> as at 6 Aug 2004			

- ² The provision in this Act amending these Acts has been omitted under the *Reprints Act 1984* s. 7(4)(e).