

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 19 September 1985

(Minister Assisting the Treasurer)

A BILL

FOR

An Act to impose a tax upon incomes, other than incomes of companies, corporate unit trusts, superannuation funds and certain other trusts

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Income Tax (Individuals) Act 1985*.

5 **Commencement**

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation

10 3. (1) In this Act, unless the contrary intention appears—
“Assessment Act” means the *Income Tax Assessment Act 1936*;
“corporate unit trust” means a unit trust that is a corporate unit trust within the meaning of Division 6B of Part III of the Assessment Act;

“ineligible approved deposit fund” means an ineligible approved deposit fund within the meaning of Division 9B of Part III of the Assessment Act;

“superannuation fund” means a provident, benefit, superannuation or retirement fund.

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(2) In this Act, a reference to taxable income shall be read as a reference to taxable income of the year of income.

Incorporation

4. The Assessment Act is incorporated, and shall be read as one, with this Act.

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Imposition of income tax

5. (1) Income tax is imposed in accordance with this Act and at the relevant rates declared by the *Income Tax (Rates) Act 1982*.

(2) This Act does not impose tax payable by—

(a) a company (other than a company in the capacity of a trustee);

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(b) a person in the capacity of a trustee of a superannuation fund;

(c) a person in the capacity of a trustee of a corporate unit trust;

(d) a person in the capacity of a trustee of an ineligible approved deposit fund; or

(e) a person in the capacity of a trustee of a trust estate, being a person who is liable to be assessed and to pay tax under sub-section 98 (3) of the Assessment Act.

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(3) This Act does not impose tax payable in accordance with section 121H, 126, 128B, 128N, 128T, 128V, 136A or 159C of the Assessment Act.

Adjustment where amount to be paid by, or refunded to, taxpayer would not exceed 49 cents

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6. (1) This section applies for the purposes of the making of an assessment of tax (other than further tax payable in pursuance of sub-section 94 (9), (11) or (12) of the Assessment Act) in respect of the income of a taxpayer of a year of income where, upon the making of the assessment and the serving of notice of the assessment upon the taxpayer, there would, but for this section, be a net amount of not more than 49 cents payable by the Commissioner to the taxpayer, or by the taxpayer to the Commissioner, under the law relating to income tax, after taking into account all liabilities of the taxpayer, and all rebates and credits allowable to the taxpayer, under that law.

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(2) Where this section applies in relation to the making of an assessment—

(a) if the amount of not more than 49 cents would be an amount payable to the taxpayer—additional tax equal to that amount is imposed by this Act in respect of the income of the taxpayer of the year of income; and

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5 (b) if the amount of not more than 49 cents would be an amount payable to the Commissioner—the amount that, but for this section, would be the amount of income tax imposed in respect of the income of the taxpayer of the year of income before the allowance of any rebates to which the taxpayer is entitled, is reduced by so much of that amount of not more than 49 cents as does not exceed the amount calculated by deducting the amount of any such rebates from the sum of the amount that is to be so reduced and any amount of further tax payable by the taxpayer in respect of that year of income in pursuance of sub-section 94 (9), (11) or (12) of the Assessment Act.

15 (3) A reference in this section to a liability of the taxpayer shall be read as including a reference to a liability in respect of income tax or provisional tax notified to the taxpayer by the Commissioner, notwithstanding that the amount of the liability has not become due and payable.

20 (4) For the purposes of any calculation under the law relating to income tax that depends upon the amount of tax paid or payable by, or assessed in respect of the income of, a taxpayer, the tax assessed and payable under an assessment in relation to which this section applies shall be deemed to be the tax that would have been so assessed and payable if this section had not applied.

Levy of tax

25 7. The tax imposed by sub-section 5 (1) is levied, and shall be paid, for the financial year that commenced on 1 July 1985 and, until the Parliament otherwise provides, for the next succeeding financial year.

Provisional tax

30 8. Provisional tax is imposed and is payable, in accordance with the provisions of the Assessment Act, in respect of the income of the year of income that commenced on 1 July 1985.

Act to be deemed to be the Act imposing income tax

9. For the purposes of sub-section 221YB (3) of the Assessment Act, this Act shall be deemed to be the Act imposing income tax upon taxable income of the financial year that commenced on 1 July 1985.

