

1990-91

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 12 March 1991

*(Minister assisting the Treasurer)*

## A BILL

FOR

### An Act to amend the law relating to sales tax

The Parliament of Australia enacts:

#### PART 1—PRELIMINARY

##### Short title

- 5 1. This Act may be cited as the *Sales Tax Laws Amendment Act (No. 1) 1991*.

##### Commencement

2. This Act is taken to have commenced on 13 March 1991.

#### PART 2—AMENDMENT OF THE SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) ACT 1935

10 **Principal Act**

3. In this Part, “**Principal Act**” means the *Sales Tax (Exemptions and Classifications) Act 1935*<sup>1</sup>.

**Second Schedule**

4. The Second Schedule to the Principal Act is amended by inserting after item 60 the following item:

“61. (1) Motor vehicles (including vehicles known as four-wheel drive vehicles) that are motor cars or station wagons

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(2) Sub-item (1) does not apply in relation to a transaction, act or operation effected or done in relation to a motor vehicle unless the sale value of the motor vehicle for the purposes of the relevant Sales Tax Assessment Act exceeds the amount calculated using the formula:

$$\frac{\text{Depreciation limit}}{\left[ \frac{1}{1 - \text{Statutory fraction}} \right] + \left[ \text{Sales tax rate} \right]}$$

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where:

‘**Depreciation limit**’ means:

- (a) in the case of a transaction, act or operation effected or done in the period that commenced on 13 March 1991 and ends on 30 June 1991—\$45,056; or
- (b) in the case of a transaction, act or operation effected or done in the period of 12 months commencing on 1 July 1991 or a period of 12 months commencing on any subsequent 1 July—the motor vehicle depreciation limit as determined under section 57AF of the *Income Tax Assessment Act 1936* in relation to the year of income that commences on that 1 July;

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‘**Statutory fraction**’ means 0.225 or such other decimal fraction as the Commissioner determines by notice in writing served on the taxpayer;

‘**Sales tax rate**’ means the rate of sales tax imposed by the *Sales Tax Act (No. 1) 1930*, as in force at the time when the transaction, act or operation is effected or done, in respect of goods covered by the Fifth Schedule, being that rate expressed as a decimal fraction

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(3) Sub-item (1) does not apply to motor vehicles that are specially fitted out for transporting disabled persons seated in wheelchairs”.

**Fourth Schedule**

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5. The Fourth Schedule to the Principal Act is amended by omitting from sub-item 1 (2) “item 1 in the Sixth Schedule” and substituting “item 61 in the Second Schedule”.

**Fifth Schedule**

6. The Fifth Schedule to the Principal Act is amended by omitting from item 3 “item 1 in the Sixth Schedule” and substituting “item 61 in the Second Schedule”.

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**Repeal of Sixth Schedule**

7. The Sixth Schedule to the Principal Act is repealed.

**PART 3—AMENDMENT OF OTHER ACTS**

**Amendment of other Acts**

5       **8. (1)** Each of the following Acts is amended as set out in Part 1 of the Schedule:

*Sales Tax Act (No. 1) 1930*

*Sales Tax Act (No. 2) 1930*

*Sales Tax Act (No. 3) 1930*

10       *Sales Tax Act (No. 4) 1930*

*Sales Tax Act (No. 5) 1930*

*Sales Tax Act (No. 6) 1930*

*Sales Tax Act (No. 7) 1930*

*Sales Tax Act (No. 8) 1930*

15       *Sales Tax Act (No. 9) 1930.*

**(2)** Both of the following Acts are amended as set out in Part 2 of the Schedule:

*Sales Tax Act (No. 11A) 1985*

*Sales Tax Act (No. 11B) 1985.*

20                   **PART 4—APPLICATION OF AMENDMENTS**

**Application of amendments**

**9.** The amendments made by this Act apply in relation to transactions, acts and operations effected or done in relation to goods after the commencement of this Act.

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**SCHEDULE**

Section 8

**AMENDMENTS OF OTHER ACTS****PART 1—AMENDMENTS OF THE SALES TAX ACTS (Nos. 1-9)****Paragraph 4 (c):**

Add at the end “and”.

**Paragraph 4 (ca):**

Omit the paragraph.

**Paragraph 4 (d):**

Omit “, Fifth or Sixth”, substitute “or Fifth”.

**Section 5:**

Repeal the section.

**PART 2—AMENDMENTS OF THE SALES TAX ACTS (Nos. 11A AND 11B)****Paragraph 6 (c):**

Omit “, Fifth or Sixth”, substitute “or Fifth”.

**NOTE**

1. No. 60, 1935, as amended. For previous amendments, see No. 41, 1936; No. 78, 1938; No. 32, 1939; Nos. 29 and 76, 1940; No. 32, 1941; No. 6, 1942; Nos. 35 and 44, 1943; No. 31, 1944; No. 36, 1945; Nos. 12 and 67, 1946; No. 65, 1947; No. 42, 1948; No. 54, 1949; No. 37, 1950; No. 42, 1951; No. 44, 1952; No. 53, 1953; No. 45, 1954; No. 5, 1956; No. 71, 1957; Nos. 17 and 92, 1959; Nos. 65 and 88, 1960; Nos. 1 and 76, 1961; No. 4, 1962; No. 44, 1963; No. 30, 1965; Nos. 26 and 62, 1966; No. 78, 1970; Nos. 67 and 87, 1972; Nos. 17, 181 and 216, 1973; No. 24, 1975; Nos. 21, 29, 80 and 175, 1976; No. 107, 1978; Nos. 3, 94 and 157, 1979; No. 142, 1981; Nos. 64, 93 and 115, 1982; Nos. 63, 84 and 136, 1983; Nos. 81, 123 and 165, 1984; Nos. 65 and 67, 1985; Nos. 28, 76 and 98, 1986; Nos. 42, 135 and 140, 1987; Nos. 78, 89 and 152, 1988; Nos. 63 and 72, 1989; and Nos. 18, 55, 57, 58, 82 and 131, 1990.