

7 Edw. VII. No. 5, 1907. *Income Tax Act Amendment Act.*

the Judge or Police Magistrate shall certify this to the Attorney-General, or other Minister of the Crown for the time being administering the Department of Justice, who may, if he thinks fit, thereupon cause arrangements to be made for the defence of the accused person.

3. The expenses of carrying this Act into execution shall be defrayed out of moneys from time to time to be appropriated by Parliament for the purpose. Appropriation.

4. Rules for carrying out this Act may be made in the same manner and subject to the same conditions as rules under "*The Judicature Act.*"\* Rules.

## DEFENCE OF POOR PRISONERS.

*See* CRIMINAL LAW.

## INCOME TAX.

### An Act to Amend the Income Tax Acts in certain particulars.

7 Edw. VII.  
No. 5.  
THE INCOME  
TAX ACT  
AMENDMENT  
ACT OF 1907.

[ASSENTED TO 19TH NOVEMBER, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Income Tax Act Amendment Act of 1907,*" and shall be read as one with "*The Income Tax Act of 1902,*"† herein called the Principal Act. Short title and construction of Act.

2. The first period for which assessments of income shall be made under the Principal Act as amended by subsequent Acts and by this Act shall commence on the first day of January, one thousand nine hundred and seven, and, subject to the Principal Act, all subsequent annual periods shall be reckoned from that date, and to that extent this Act shall have retrospective operation. Commencement of period of assessment.

\* 40 Vic. No. 6, *supra*, page 1918; and 64 Vic. No. 6, *supra*, page 7364.

† 2 Edw. VII. No. 10, *supra*, page 8275.

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Alteration of  
rates of tax.

3. Subsection (ii.) of section seven of the Principal Act as enacted by section four of "*The Income Tax Act Amendment Act of 1906*"\* is repealed, and the following subsection, namely:—

(ii.) On all income derived from } 9d. in each and  
the produce of property ... } every £  
is inserted in lieu thereof.

In paragraph (a) of subsection (iii.) of section seven of the Principal Act as enacted by section four of "*The Income Tax Act Amendment Act of 1906*,"\* the words and figures "did not amount to £160" are repealed, and the words and figures "did not exceed £200" are inserted in lieu thereof.

In paragraph (b) of the said subsection (iii.), the words and figures following, namely—"amounted to £160 or upwards and did not exceed £200, £120 of such income shall be exempt from tax, and in deducting such £120 the income from personal exertion, if any, shall be first resorted to; and where such total assessable income did exceed £200 and did not exceed £300, £100 of such income shall be exempt from tax, and in deducting such £100 the income from personal exertion, if any, shall be first resorted to," are hereby repealed; and the words and figures following, namely—"amounted to more than £200 then £200 of such income shall not be deemed to be part of the total income subject to tax, and accordingly shall be exempt from tax; and in deducting such £200 the income from personal exertion, if any, shall be first resorted to," are inserted in lieu thereof.

4. After section twenty of the Principal Act as amended by section nine of "*The Income Tax Act Amendment Act of 1904*,"† the following sections are inserted, and section 20A of the Principal Act, as enacted by section six of "*The Income Tax Act Amendment Act of 1906*,"\* shall accordingly be numbered 20c:—

Optional  
limitation of  
s. 20 as to  
live stock.

[20A.] Any owner of live stock who desires to be exempted from the provisions of the last preceding section, so far as the same relate to the taking into account of the value of all live stock and produce not disposed of at the beginning and end of each year in the assessment of his income, may give notice in writing to that effect signed by him or by his duly authorised agent and delivered at the office of the Commissioner, in the case of persons who at

\* 6 Edw. VII. No. 11, *supra*, page 9063.

† 4 Edw. VII. No. 9, *supra*, page 8718.

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the commencement of this Act are owners of live stock not later than the thirty-first day of December, one thousand nine hundred and seven, or such later date as the Commissioner may allow, and in the case of persons who may thereafter become owners of live stock not later than the thirty-first day of December in the year in which they first become such owners respectively, or such later date as the Commissioner may allow.

Every such notice when given shall be irrevocable by such taxpayer and shall take effect in respect of the year in which the same is given and each succeeding year.

Such notice shall have the following effect:—

- (i.) The Commissioner, in the assessment of the income of such taxpayer for the year in respect of which the notice was given and each succeeding year, shall not take into account the value of any live stock or produce not disposed of at the beginning and end of the year;
- (ii.) Save as hereinafter provided, such taxpayer shall not for any year in respect of which an assessment is made be entitled to make any claim as a deduction for or in connection with any live stock beyond the amount of money actually paid by him in that year for the purchase of live stock:

Provided that, in computing the income subject to tax of such taxpayer for any year, there shall be allowed as a deduction from the proceeds of any live stock disposed of in that year, and in respect of which tax was theretofore paid, the value of such live stock; and such value shall be taken at the value upon which the tax was paid.

[20B.] Whenever any property consisting partly of live stock is sold, the full value in money of such live stock shall be expressly stated in the contract relating to such sale, whether such sale is for a lump sum or not. If such value is not so stated, or if such contract has not been reduced to writing, then such value shall be assessed by the Commissioner at such amount as he deems just and reasonable.

Sales of property of which live stock is a part.

In every such case the purchaser shall, for the purposes of this Act, be entitled to claim that the sum of money so expressly stated or so assessed is the amount paid by him for live stock upon such sale. Moreover, such sum shall be deemed to be income of the seller. The tax on such income shall, until paid, be and remain a

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charge upon the whole of the property included in such sale and upon every part thereof; and, if not paid by the seller, may be recovered from the purchaser in the same manner as if it were income of the purchaser.

In computing the income of the seller under this section, there shall be allowed as a deduction therefrom—

- (a) The value of live stock on the said property at the end of the year one thousand nine hundred and six, as shown in his return to the Commissioner for the year one thousand nine hundred and six; or
- (b) Where the property has been purchased since the first day of January, one thousand nine hundred and seven, and subsequently sold, the value of live stock thereon at the time of such purchase as expressed in the said contract of sale or assessed by the Commissioner as aforesaid, less any portion of such value which has been already allowed to him as a purchase of stock.

Amendment  
of s. 39.

5. In subsection one of section thirty-nine of the Principal Act as amended by section eight of "*The Income Tax Act Amendment Act of 1906*,"\* the words "one hundred and sixty" are repealed, and the words "two hundred" are inserted in lieu thereof.

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## PRISONERS, DEFENCE OF POOR.

See CRIMINAL LAW.

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