



ANNO SEXTO

GEORGII VI REGIS.

A.D. 1942.

No. 25 of 1942.

An Act to suspend the levy and collection of income tax, and for other purposes.

[Assented to 19th November, 1942.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Income Tax Suspension Act, 1942". Short title.
2. This Act shall be deemed to have come into operation on the first day of July, nineteen hundred and forty two. Commence-
ment.
3. This Act is incorporated with the Income Tax Assessment Act, 1936-1941, and with all Acts incorporated with that Act. Incorporation.
4. In this Act— Interpretation.
 - "the period of suspension" means the period commencing on the first day of July, nineteen hundred and forty-two, and ending on the last day of the first financial year to commence after the day on which His Majesty ceases to be engaged in the present war :
 - "the present war" means the war which commenced on the third day of September, one thousand nine hundred and thirty-nine, and includes any other war in which His Majesty has become, or becomes engaged during the continuance of that war.

Suspension of
income tax.

5. (1) After the commencement of this Act income tax shall not be—

(a) levied on any income derived during the financial year ended on the thirtieth day of June nineteen hundred and forty-two (not being income derived during an accounting period which has been adopted in lieu of the financial year ended on the thirtieth day of June, nineteen hundred and forty-one);

(b) payable for any financial year in the period of suspension.

(2) Where pursuant to the Income Tax Assessment Act, 1936-1941, income tax has been levied and assessed at rates prescribed by an Act passed before the thirtieth day of June, nineteen hundred and forty-two, on income which—

(a) was derived during the financial year ended on the thirtieth day of June, nineteen hundred and forty-two; and

(b) was not derived during an accounting period adopted in lieu of the financial year ended on the thirtieth day of June, nineteen hundred and forty-one by a taxpayer who had adopted or was deemed to have adopted that accounting period; and

(c) is subject to or expressly exempt from income tax imposed by the law of the Commonwealth for the year of tax commencing on the first day of July, nineteen hundred and forty-two,

the Commissioner shall amend the assessment by reducing the tax to nil and refund any tax paid on that assessment as if that tax were an overpayment within the meaning of section 252 of the Income Tax Assessment Act, 1936-1941.

Saving of
operation of
Income Tax
Assessment
Acts.

6. Except as otherwise provided by this Act, the Income Tax Assessment Act, 1936-1941, and any Act incorporated with that Act, and any Act repealed by the Income Tax Assessment Act, 1936-1941, to the extent to which its operation is preserved by that Act, shall continue in force during the period of suspension.

Special
accounting
periods.

7. Notwithstanding any other provision of this Act, where a taxpayer has adopted, pursuant to the Income Tax Assessment Act, 1936-1941, an accounting period in lieu of the financial year ending on the thirtieth day of June, and that taxpayer is required to furnish a return to the Commissioner for the year of

income preceding the first year of tax after the end of the period of suspension, the accounting period to be adopted by that taxpayer shall bear the same relation to the financial year next preceding that year of tax as the accounting period adopted in lieu of the financial year ended on the thirtieth day of June, nineteen hundred and forty-one bore to that year.

8. Where the Commissioner is satisfied that, if income tax had been imposed by the laws of the State for any financial year in the period of suspension, any person would have been entitled to any financial benefit under section 251 of the Income Tax Assessment Act, 1936-1941, either by way of a deduction from the taxable amount of any income, or by way of a refund of tax, the Commissioner shall, on application by that person, pay or credit to him a sum which in the Commissioner's opinion is equal to the amount of the said financial benefit: Provided that a person shall not be entitled to any payment or credit under this section before the time when he would have become entitled to a financial benefit under section 251 of the Income Tax Assessment Act, 1936-1941, if State income tax had continued to be imposed in the usual way.

Refunds in connection with tax on incomes for 1916-1917.

9. (1) The Governor may arrange with the Governor-General of the Commonwealth for the assessment and collection by the Commonwealth on behalf of the State of taxes imposed upon incomes by or under the law of the State for any financial year prior to the financial year commencing on the first day of July, nineteen hundred and forty-two.

Arrangements for collection of arrears of tax.

(2) Any agreement relating to any such arrangement may provide for any matters necessary or convenient for or incidental to the carrying into effect of the said arrangement.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.