



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 61 of 1986

An Act to amend the Pay-roll Tax Act, 1971.

[Assented to 6 November 1986]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the “Pay-roll Tax Act Amendment Act (No. 2), 1986”. Short titles.

(2) The Pay-roll Tax Act, 1971, is in this Act referred to as “the principal Act”.

2. This Act shall be deemed to have come into operation on 1 September, 1986. Commencement.

3. Section 3 of the principal Act is amended by inserting after subsection (4) the following subsection: Amendment of s. 3— Interpretation.

(5) A liability for pay-roll tax shall be assessed in accordance with the provisions of this Act as in force at the time the liability arises and such a liability, once having arisen, is not affected by a subsequent amendment to this Act (except to the extent that the amendment operates retrospectively).

4. Section 11a of the principal Act is amended—

(a) by striking out from subsection (1) the definition of “minimum amount”;

(b) by striking out from subsection (1) the definition of “prescribed amount” and substituting the following definition:

“prescribed amount” in relation to a return means—

(a) where the return period is 1 month—\$22 500;

(b) where the return period is a period of 2 or more months—the amount referred to in paragraph (a) multiplied by the number of months;

(c) by striking out subsection (2);

Amendment of s. 11a— Deduction from taxable wages.

(d) by striking out subsections (3) and (4) and substituting the following subsection:

(3) For the purpose of ascertaining the pay-roll tax payable in respect of a return period by an employer who does not pay and is not liable to pay interstate wages during that return period, there shall be deducted from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer—

(a) where the employer pays or is liable to pay taxable wages for the whole of the return period—the prescribed amount less \$1 for each \$4 by which the amount of the taxable wages exceeds the prescribed amount;

(b) where the employer pays or is liable to pay taxable wages for part only of the return period—an amount that bears to the prescribed amount the same proportion as the number of days in that part of the return period bears to the number of days in the whole of the return period less \$1 for each \$4 by which the amount of the taxable wages exceeds that proportion of the prescribed amount.;

and

(e) by striking out from subsection (7) “, but not before the first day of January, 1976,”.

Amendment of
s. 12—
Exemption from
pay-roll tax.

5. Section 12 of the principal Act is amended—

(a) by striking out “and” from between paragraphs (i) and (j) of subsection (1);

and

(b) by inserting after paragraph (j) of subsection (1) the following paragraph:

(k) by a University College affiliated with the University of Adelaide or the Flinders University of South Australia.

Amendment of
s. 13a—
Meaning of
“prescribed
amount”.

6. Section 13a of the principal Act is amended—

(a) by striking out from subsection (1) the definition of “financial year”;

and

(b) by striking out subsection (2) and substituting the following subsection:

(2) A reference in section 13b or 13c to the prescribed amount—

(a) in relation to the financial year commencing on 1 July, 1986, is a reference to an amount calculated in accordance with the following formula:

$$\frac{TW}{TW + IW} \left[\left(\frac{CS}{62} + \frac{DV}{303} \right) - \frac{1}{4} \{ TW + IW - \left(\frac{CS}{62} + \frac{DV}{303} \right) \} \right]$$

Where—

TW is the amount of the taxable wages paid or payable by the employer during the financial year

IW is the amount of the interstate wages paid or payable by the employer during the financial year

C is \$41 667

S is the number of days in July and August 1986 in respect of which the employer paid or was liable to pay wages (disregarding foreign wages)

D is \$225 000

V is the number of days in the period between 1 September, 1986, to 30 June, 1987, in respect of which the employer paid or was liable to pay wages (disregarding foreign wages);

(b) in relation to each subsequent financial year, is a reference to an amount calculated in accordance with the following formula:

$$\frac{TW}{TW + IW} \left[\left(\frac{AX}{184} + \frac{AY}{Z} \right) - \frac{1}{4} \{ TW + IW - \left(\frac{AX}{184} + \frac{AY}{Z} \right) \} \right]$$

Where—

TW is the amount of the taxable wages paid or payable by the employer during the financial year

IW is the amount of the interstate wages paid or payable by the employer during the financial year

A is \$135 000

X is the number of days in the period commencing on the first day of July in the financial year and ending on the thirty-first day of December in the financial year in respect of which the employer paid or was liable to pay wages (disregarding foreign wages)

Y is the number of days in the period commencing on the first day of January in the financial year and ending on the thirtieth day of June in the financial year in respect of which the employer paid or was liable to pay wages (disregarding foreign wages)

Z is the number of days in the period commencing on the first day of January in the financial year and ending on the thirtieth day of June in the financial year.

Amendment of
s. 14—
Registration.

7. Section 14 of the principal Act is amended by striking out subsection (4) and substituting the following subsection:

(4) For the purposes of this section, the prescribed amount is \$5 150.

Amendment of
s. 18k—
Meaning of
"prescribed
amount".

8. Section 18k of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsection:

(1) A reference in section 18l or 18m to the prescribed amount—

(a) in relation to the financial year commencing on 1 July, 1986, is a reference to an amount calculated in accordance with the following formula:

$$\frac{TW}{TW + IW} \left[\left(\frac{CS}{62} + \frac{DV}{303} \right) - \frac{1}{4} \{ TW + IW - \left(\frac{CS}{62} + \frac{DV}{303} \right) \} \right]$$

Where—

TW is the amount of the taxable wages paid or payable by the members of the group during such period of the financial year as the designated group employer was the designated group employer in respect of the group

IW is the amount of the interstate wages paid or payable by the members of the group during the period referred to above

C is \$41 667

S is the number of days in July and August 1986 in respect of which any member of the group paid or was liable to pay wages (disregarding foreign wages)

D is \$225 000

V is the number of days in the period between 1 September, 1986, to 30 June, 1987, in respect of which any member of the group paid or was liable to pay wages (disregarding foreign wages);

(b) in relation to each subsequent financial year, is a reference to an amount calculated in accordance with the following formula:

$$\frac{TW}{TW + IW} \left[\left(\frac{AX}{184} + \frac{AY}{Z} \right) - \frac{1}{4} \{ TW + IW - \left(\frac{AX}{184} + \frac{AY}{Z} \right) \} \right]$$

Where—

TW is the amount of the taxable wages paid or payable by the members of the group during such period of the financial year as the designated group employer was the designated group employer in respect of the group

IW is the amount of the interstate wages paid or payable by the members of the group during the period referred to above

A is \$135 000

X is the number of days in the period commencing on the first day of July in the financial year and ending on the thirty-first day of December in the financial year in respect of which any member of the group paid or was liable to pay wages (disregarding foreign wages)

Y is the number of days in the period commencing on the first day of January in the financial year and ending on the thirtieth day of June in the financial year in respect of which any member of the group paid or was liable to pay wages (disregarding foreign wages)

Z is the number of days in the period commencing on the first day of January in the financial year and ending on the thirtieth day of June in the financial year.

9. Section 18/ of the principal Act is amended by striking out from subsections (4) and (5) “commencing on or after the first day of January, 1976”.

Amendment of
s. 18/—
Annual
Adjustments.

10. Section 20a of the principal Act is repealed.

Repeal of s. 20a.

11. Section 36 of the principal Act is amended by inserting after subsection (4) the following subsection:

Amendment of
s. 36—
Objections and
appeals.

(4a) The Tribunal—

(a) shall furnish the objector and the Commissioner with a statement of the reasons for its decision on the objection;

and

(b) may publish its reasons in such other manner as it thinks fit (but the name of the objector and other material tending to identify the objector must be suppressed from material published under this paragraph).

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

D. B. DUNSTAN, Governor