



ANNO VICESIMO QUARTO

GEORGII V REGIS.

A.D. 1933.

No. 2127.

An Act to amend the Taxation Acts, 1927 to 1932.

[Assented to, November 9th, 1933.]

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

1. (1) This Act may be cited as the "Taxation Act, 1933". Short titles.
(2) The Taxation Acts, 1927 to 1932, and this Act may be cited together as the "Taxation Acts, 1927 to 1933".
(3) The Taxation Act, 1927, is hereinafter called "the principal Act". No. 1787/1927.
2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.
3. Section 9 of the principal Act is amended as follows :—
(a) The words "a fine of ten pounds per centum and" in the second line are struck out ; and
(b) the word "fine" in the sixth line is struck out and the word "interest" inserted in lieu thereof. Amendment of principal Act, s. 9—
Abolition of fine on land tax. Power of Commissioner to remit interest.
4. Section 19 of the principal Act is amended by striking out the word "person" occurring in the second and fifth lines of paragraph (b) thereof and inserting in lieu of those words in each case the word "party". Amendment of principal Act, s. 19—
Substitution of "party" for "person".

5. Subsection

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Amendment of principal Act, s. 20—
Reduction of super tax on companies to ten per cent.

5. Subsection (4) of section 20 of the principal Act (as enacted by section 5 of the Taxation Act, 1931) is amended by striking out the word “twenty-five” in the fourteenth and fifteenth lines thereof and inserting in lieu thereof the word “ten”.

Amendment of principal Act, s. 22, XII.—
Deduction for children.

6. Subdivision XII. of section 22 of the principal Act is amended by striking out the words “but does not include a child not born in lawful wedlock unless such child has been legitimated under the provisions of The Legitimation Act, 1898”.

Amendment of principal Act, s. 22, XII.A.—
Allowance to wives who maintain husbands.

7. Subdivision XII.A of section 22 of the principal Act (which subdivision was enacted by section 12 of the Taxation Amendment Act, 1927) is amended by adding at the end thereof the following passage :—

There shall also be deducted from the income of a female married taxpayer an allowance for the maintenance of her husband of the same amount and subject to the same conditions (*mutatis mutandis*) as the allowance deducted from the income of a male married taxpayer for the maintenance of his wife.

Amendment of principal Act, s. 22, XIV. A.—
Bad debts.

8. Subdivision XIV.A of section 22 of the principal Act (which subdivision was enacted by section 19 of the Taxation Act, 1930) is amended by striking out the words “of the lending of money by a person who carries on that business as his sole or principal business” and inserting in lieu thereof “of lending money”.

Amendment of principal Act, ss. 105 and 105A.—
Substitution of “party” for “person”.

9. Sections 105 and 105A of the principal Act are amended by striking out the word “person” wherever occurring therein and inserting in lieu of each word so struck out the word “party”.

Re-enactment of s. 117 of principal Act—

10. Section 117 of the principal Act is repealed and the following section is enacted in lieu thereof :—

Refund of overpaid taxes.

117. (1) If the Commissioner is satisfied that an overpayment of any tax has been made, he shall, whether an application for refund is made or not, refund the taxpayer the sum overpaid.

(2) This section, without any further appropriation or warrant, shall be sufficient authority for the Commissioner to make any such refund.

Deduction of certain losses.

11. (1) If a taxpayer derived income during the taxation year nineteen hundred and thirty-two, from agricultural or pastoral pursuits carried on by the taxpayer in the State, and incurred a net loss on those pursuits which was not fully allowed as a deduction from the taxpayer's income for that year, that net loss to the extent to which it was not so deducted may be carried forward and allowed to the extent possible as a deduction from the taxpayer's income derived from the same pursuits during the taxation year nineteen hundred and thirty-three, but from no other income.

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(2) In this section—

“net loss” means any sum remaining after deducting the income derived from agricultural or pastoral pursuits from the expenses incurred in earning such income:

“agricultural pursuits” includes horticulture, viticulture, dairy and bee farming, pig and poultry raising, and the growing of fruit, vegetables, and other like products, but does not include the buying and selling of livestock:

“taxation year nineteen hundred and thirty-two,” means period of twelve months ending on the thirtieth day of June, nineteen hundred and thirty-two, or on any other day approved by the Commissioner under section 6 of the principal Act, and “taxation year, nineteen hundred and thirty-three,” has a corresponding meaning.

12. The rates of income tax (including the rate of super tax on the income of a company) on income accrued during the period of twelve months ended on the thirtieth day of June, nineteen hundred and thirty-three, and on any other income taxable at the same rates as that income, shall be the rates declared in section 20 of the principal Act as enacted by section 5 of the Taxation Act, 1931, and amended by section 5 of this Act. Rates of income tax.

13. The amendments made by sections 4 to 9 of this Act shall be deemed to have come into operation on the first day of July, nineteen hundred and thirty-three, and shall apply in respect of taxes upon income accrued during the period of twelve months immediately preceding that day, as well as to taxes upon income accruing thereafter. The amendment made by section 3 shall apply in respect to land tax due and payable on the fourteenth day of February, nineteen hundred and thirty-four, or on any later date. Operation of Act.

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

G. J. R. MURRAY, Deputy Governor.