

609.

Hon. Mr. Allen.

LAND AND INCOME ASSESSMENT AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Section 2 of principal Act amended.</li> <li>3. Section 6 of principal Act amended.</li> <li>4. Repeal.</li> <li>5. Section 9 of principal Act amended.</li> <li>6. Provision as to assessment of income derived from sales by agents.</li> <li>7. Section 10 of principal Act amended.</li> <li>8. Annual rates of land-tax and income-tax. Section 50 of principal Act amended. Repeals.</li> <li>9. Section 14 of principal Act amended.</li> <li>10. Repeal.</li> <li>11. Section 18 of principal Act amended.</li> <li>12. Unimproved value to be determined in accordance with district valuation roll. Repeal. Section 28 of Valuation of Land Act amended.</li> <li>13. Repeals.</li> <li>14. Objections to assessments.</li> <li>15. Hearing of objections.</li> <li>16. Procedure.</li> <li>17. Burden of proof.</li> <li>18. Costs.</li> <li>19. Assessment roll to be altered, if necessary.</li> <li>20. Operation of determination as to objection.</li> <li>21. Appeals to Supreme Court on questions of law.</li> <li>22. Notice of appeal and security for costs.</li> <li>23. Magistrate to state case on appeal.</li> <li>24. Registrar of Supreme Court to enter appeal for hearing.</li> <li>25. Supreme Court may require case to be amended.</li> <li>26. Removal of case stated into Court of Appeal.</li> <li>27. Costs in cases before Supreme Court or Court of Appeal.</li> <li>28. Refund to appellant of tax paid in excess.</li> <li>29. Taxpayer may require Commissioner to state a case for the Supreme Court.</li> <li>30. Restricted operation of provisions as to objections and appeals.</li> <li>31. Section 38 of principal Act amended.</li> </ol> | <ol style="list-style-type: none"> <li>32. Special exemption to widow with children.</li> <li>33. Mode of computing special exemption when taxpayer owns land jointly and in severalty.</li> <li>34. Section 40 of principal Act amended.</li> <li>35. Unimproved value of freehold estates less than the fee-simple.</li> <li>36. Occupier of land owned by half-caste Maori to be liable in respect of tax.</li> <li>37. Section 49 of principal Act amended.</li> <li>38. Increase of graduated land-tax in respect of premises other than business premises. Repeal.</li> <li>39. Graduated land-tax payable by absentees. Application of section. Repeal.</li> <li>40. Section 55 of principal Act amended.</li> <li>41. Section 56 of principal Act amended.</li> <li>42. Section 70 of principal Act amended.</li> <li>43. Section 71 of principal Act amended.</li> <li>44. Section 72 of principal Act amended.</li> <li>45. Section 74 of principal Act amended.</li> <li>46. Section 76 of principal Act amended.</li> <li>47. Section 79 of principal Act amended.</li> <li>48. Section 87 of principal Act amended.</li> <li>49. Assessment of income-tax in the case of partners, &amp;c.</li> <li>50. Income of married woman to be included in husband's income for purposes of taxation.</li> <li>51. Section 89 of principal Act amended.</li> <li>52. Rent derived from licensed premises deemed to be income derived from business.</li> <li>53. Section 98 of principal Act amended.</li> <li>54. Section 99 of principal Act amended.</li> <li>55. Section 104 of principal Act amended.</li> <li>56. Returns as to debentures issued by local authorities to be supplied to Commissioner on demand.</li> <li>57. Section 107 of principal Act amended.</li> <li>58. Section 109 of principal Act amended.</li> <li>59. Commissioner not to increase assessments of tax after three years. Repeal.</li> <li>60. Refund of taxes paid in excess, on application made within three years. Repeal.</li> <li>61. Application of Act. Schedule.</li> </ol> |
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## A BILL INTITULED

Title.

AN ACT to amend the Land and Income Assessment Act, 1908.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.

1. This Act may be cited as the Land and Income Assessment Amendment Act, 1912, and shall form part of and be read together with the Land and Income Assessment Act, 1908 (hereinafter referred to as the principal Act).

Section 2 of principal Act amended.

2. Section two of the principal Act is hereby amended—

(a.) As to the definition of "agent," by inserting, after the word "thereof" in paragraph (b) thereof, the words "(whether the contract for the sale or disposition of such property is made in New Zealand or elsewhere)";

(b.) As to the definition of "business," by inserting the words "memorandum and" before the word "articles";

(c.) By repealing the definition of "capital value" of land:

(d.) By repealing the definition of "capital value" of a mortgage, and substituting the following:—

" 'Capital value of a mortgage' means the full amount of the principal sum owing thereunder on the thirty-first day of March in each year, and in the case of a rent-charge or annuity the capital value thereof means the full amount of the present value of such rent-charge or annuity on the thirty-first day of March in each year capitalized at five per centum per annum:

" Provided that if in any case the Commissioner is satisfied that the full amount calculated in manner aforesaid exceeds the full actual value of the security therefor so far as such security consists of land, the Commissioner shall in his assessment reduce the capital value of the mortgage by the amount of such excess; and in respect of and to the extent of such excess the moneys payable and receivable under the mortgage shall for all the purposes of this Act be deemed not to be secured by mortgage; and the determination of the Commissioner from time to time as to the existence and amount of any such excess shall be final and conclusive":

(e.) As to the definition of "mortgage," by inserting, after the words "land purchased," the words "and any annuity or rent-charge charged upon land or secured by will and payable out of ~~or charged upon land or~~ the rents and profits ~~or income~~ of land";

(f.) As to the definition of "owner," by omitting from paragraph (a) the words "in possession";

(g.) By repealing the definitions of "unimproved value" and "value of improvements."

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3. Section six of the principal Act is hereby amended by inserting, after the words "this Act" in paragraph (a), the words "or any other Act imposing taxes or duties payable to the Crown."

Section 6 of principal Act amended.

4. Section seven of the principal Act is hereby repealed.

Repeal.

5. Section nine of the principal Act is hereby amended—

Section 9 of principal Act amended.

(a.) As to paragraph (a) thereof, by omitting the words "and income"; and by inserting, after the word "capacity," the words "and of the income derived by his principal from New Zealand":

10 (b.) As to paragraph (b) thereof, by omitting the words "and he shall make such returns and be assessed thereon in his representative capacity only":

(c.) As to paragraph (f) thereof, by omitting all words after "such land or income."

15 6. Where an agent, directly or indirectly (whether by sample, price-list, negotiation, or otherwise howsoever), sells or disposes of property of his principal, or is instrumental in procuring the sale or disposition thereof (whether the contract for the sale or disposition of the property is made in New Zealand or elsewhere), the principal shall in respect of such sale or disposition be deemed to be carrying on business in New Zealand; and the income derived from such business shall be deemed to be derived from New Zealand, and shall be subject to income-tax in accordance with the provisions of the principal Act and this Act, and the agent shall make returns and pay tax accordingly.

Provision as to assessment of income derived from sales by agents.

*New.*

30 6A. Every agent of a non-resident trader is authorized to apply any moneys of his principal which may be in his possession, or of which he may have the control, for the purpose of paying any tax for which his principal is liable:

Agent of non-resident trader may apply his principal's money in payment of tax.

35 Provided that in cases where the Commissioner is satisfied that the agent has no such moneys with which he can pay the tax, and has not parted with any such moneys after the date of the notice from the Commissioner demanding payment of the tax, and if the immediate enforcement of the tax against the agent would prove a hardship, the Commissioner shall not institute any proceedings against such agent for the recovery of the said tax, or add thereto the ten per centum additional tax payable under section ninety-two of the principal Act, until the expiration of six months from the date of the notice demanding payment as aforesaid.

40 7. Section ten of the principal Act is hereby amended by omitting from paragraph (f) thereof the words "being in no case less than five per centum of the gross proceeds resulting from such transaction or transactions."

Section 10 of principal Act amended.

*Struck out.*

45 8. (1.) Subject to the provisions of the principal Act, taxation shall be assessed and levied in and for each year ending on the thirty-first day of March, for the use of His Majesty in aid of the Consolidated Fund, as follows:—

Annual rates of land-tax and income-tax.

50 (a.) Ordinary land-tax at the rates specified in paragraphs (1) and (2) of the Schedule hereto;

*Struck out.*

(b.) Graduated land-tax at the rates specified in paragraph (3) of the Schedule hereto; and

(c.) Income-tax at the rates specified in paragraphs (4), (5), and (6) of the Schedule hereto.

(2.) The duties of land-tax and income-tax herein provided for shall be respectively payable on such day or days and at such place or places as the Governor in Council from time to time determines.

(3.) Section fifty of the principal Act is hereby amended by omitting the words "commencing with the year ending on the thirty-first day of March, one thousand nine hundred and nine," and also the words "at the rate hereinafter set forth."

(4.) Sections eleven, fifty-one, and fifty-two of the principal Act and the Second Schedule thereto are hereby repealed.

Section 50 of principal Act amended.

Repeals.

*New.*

8A. Section eleven of the principal Act is hereby amended by inserting in paragraph (b), after the word "upon," the words "the unimproved value of"; and by omitting from the same paragraph all words after the words "in the cases," and substituting the words "hereinafter mentioned and at the rates fixed from time to time by Acts to be passed for that purpose."

9. Section fourteen of the principal Act is hereby amended by adding to paragraph (c) thereof the following proviso:—

"Provided that where a taxpayer other than a Maori owns land jointly or in common with a Maori, nothing herein shall exempt that taxpayer's interest from taxation."

*New.*

9A. Notwithstanding anything in paragraph (c) of section fourteen of the principal Act, land held by a Native as European land in accordance with the provisions of section two hundred and eight of the Native Land Act, 1909, shall be liable to taxation as if it were owned by a European.

9B. Section fourteen of the principal Act is hereby further amended by inserting, after subparagraph (i) of paragraph (e), the following subparagraph:—

"(iA.) Any officer of the Crown in Great Britain or of the Government of any British possession who is resident in New Zealand, in respect of the emoluments of his office:

"Provided that he satisfies the Commissioner that such emoluments are liable to income-tax or a like tax in Great Britain or such possession, and that such tax has been duly paid."

10. Section seventeen of the principal Act is hereby repealed.

11. Section eighteen of the principal Act is hereby amended by omitting the words "and valuations," and by inserting after the words "as aforesaid" the words "and from the values supplied by the Valuer-General."

Section 14 of principal Act amended.

Repeal.

Section 18 of principal Act amended.

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12. (1.) Subject to the provisions of the principal Act and of this Act, the unimproved value of any land shall for the purposes of the said Acts be determined in accordance with the district valuation roll in force under the Valuation of Land Act, 1908, as at the thirty-first day of March in each year or in accordance with the subsidiary roll in force as at that day under the Land for Settlements Act, 1908, as the case may be :

Unimproved value to be determined in accordance with district valuation roll.

Provided that if in the case of any land no separate valuation thereof appears either on the district valuation roll or the subsidiary roll in force on the thirty-first day of March in any year, the Valuer-General shall, on the requisition of the Commissioner and for the purposes of this Act, cause a valuation thereof to be made as at the said thirty-first day of March in that year, and the unimproved value of the said land shall for the purposes of the principal Act and of this Act be determined in accordance with the valuation so made.

*New.*

Provided also that if any land which is liable to be assessed for graduated land-tax is returned for taxation at an unimproved value in excess of the amount at which it is entered on the district valuation roll or the subsidiary roll the amount so returned shall, for the purposes of this Act, be deemed to have been entered on the district valuation roll and on the subsidiary roll, and such entries shall, for the period of one year from the date as at which the return is made, have the same force and effect as if they had been made in accordance with the provisions of the Valuation of Land Act, 1908, and the Land for Settlements Act, 1908, as the case may be.

(2.) Section one hundred and eighteen and section one hundred and twenty-one of the principal Act are hereby repealed.

Repeal.

(3.) Section twenty-eight of the Valuation of Land Act, 1908, is hereby amended—

Section 28 of Valuation of Land Act amended.

(a.) As to paragraph (a) thereof, by omitting the words “ duties of land-tax and otherwise under the Land and Income Assessment Act, 1908, and of ” :

(b.) As to subsection two thereof, by omitting the words “ the Department of Land and Income Assessment and.”

*New.*

12A. (1.) Notwithstanding anything to the contrary in the principal Act or this Act, the Valuer-General shall, for the purposes of the said Acts, when estimating the unimproved value of land upon which flax-plants are growing, include in such value the value of the roots of the said plants, but shall not include the value of the leaves growing from such roots, and ordinary land-tax and graduated land-tax shall be assessed on such unimproved value accordingly.

Roots of flax-plants to be included in unimproved value.

(2.) Section forty-five of the principal Act is hereby amended by inserting the word “ leaves ” after the word “ flax ” wherever the last-mentioned word occurs in the said section.

(3.) Section seventy-nine of the principal Act is hereby amended,—

(a.) By omitting from paragraph (f) thereof the words “ timber or flax,” and substituting the words “ or timber ”; and

(b.) By inserting the word “ flax ” after the word “ fruit ” in paragraph (g) thereof.

New.

(4.) Section eighty-four of the principal Act is hereby amended by omitting the words "flax or."

Repeals.

13. Sections twenty-two to thirty-six of the principal Act are hereby repealed.

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Objections to assessments.

14. Objections to any assessment of land-tax or income-tax must be made in writing to the Commissioner by or on behalf of the taxpayer assessed within fourteen days after the date of the notice of assessment issued to the taxpayer in accordance with the principal Act, or within such longer period as may be appointed in that behalf by the Commissioner in any such notice.

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Hearing of objections.

15. Subject to the provisions hereinafter contained, every such objection shall be heard and determined in a Magistrate's Court, before a Stipendiary Magistrate alone; and such Court shall for the purpose of hearing and determining the objection, whatever the amount involved, have all the powers vested in it in its ordinary civil jurisdiction as if in an action between the objecting taxpayer and the Commissioner.

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Procedure.

16. (1.) The procedure for the institution, hearing, and determination of such proceedings in the Magistrate's Court shall be in accordance with regulations to be made by the Governor in Council, and, subject to such regulations or so far as they do not extend, shall be in accordance with the Magistrates' Courts Act, 1908.

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(2.) No objection to an assessment of income-tax shall be heard by a Magistrate in open Court.

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Burden of proof.

17. On the hearing and determination of all objections to assessments of land-tax or income-tax, the burden of proof shall be on the objector, and the Court may receive such evidence as it thinks fit, whether receivable in accordance with law in other proceedings or not.

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Costs.

18. In any such proceedings the Magistrate's Court may award such costs as it deems just either against the Commissioner or against the objector.

Assessment roll to be altered if necessary.

19. On the determination of any such objection, the Magistrate's Court may either confirm or cancel the assessment or increase or reduce the amount thereof, and the assessment roll shall be altered, if necessary, so as to conform to that determination.

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Struck out.

Operation of determination as to objection.

20. Any such determination shall relate solely to the land or income which is the subject of the assessment objected to, and shall not affect the right of the Commissioner to assess any other land or income of the objector.

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Appeals to Supreme Court on questions of law.

21. The determination of the Magistrate's Court on any such objection shall be final and conclusive as to any question of fact, but shall be subject to appeal to the Supreme Court on any question of law.

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New.

Appeals to Supreme Court in certain cases.

21A. The determination of the Magistrate's Court on a y such objection shall be subject to appeal to the Supreme Court on any question of law, but shall be final and conclusive as to any question of fact unless the Magistrate is satisfied that the amount of tax bona fide in dispute between the objector and the Commissioner exceeds

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New.

two hundred pounds, in which case the Magistrate may, if he thinks fit, give leave either to the Commissioner or the objector to appeal to the Supreme Court on any question of fact.

5 22. In case of such appeal the appellant shall, within thirty days after the determination appealed from, file in the Magistrate's Court a notice of appeal, and (except when he is the Commissioner) give security for the costs of the appeal to such amount and in such form as are approved by a Magistrate.

Notice of appeal and security for costs.

10 23. (1.) When the appeal is on a question of law only, the Magistrate whose determination is appealed from shall thereupon state and sign a case setting forth the facts and the questions of law arising for the determination of the Supreme Court, and shall deliver the case so signed by him to the appellant.

Magistrate to state case on appeal.

15 (2.) If and so far as any such appeal relates to a question of fact, the case so stated by the Magistrate shall set forth the evidence taken before the Magistrate's Court, instead of the facts as found by that Court.

20 24. The appellant shall within fourteen days after receiving the case transmit the same to a Registrar of the Supreme Court in such the judicial district as the appellant thinks fit in which the objection was heard in the Magistrate's Court, and the Registrar shall thereupon enter the appeal for hearing at the first practicable sitting of the Court. ~~and shall give notice thereof to the appellant and to the respondent.~~

Registrar of Supreme Court to enter appeal for hearing.

25 25. (1.) On the hearing of the appeal the Supreme Court may, if it thinks fit, cause the case so stated to be sent back to the Magistrate for amendment, and thereupon the case shall be amended accordingly, and the Court shall thereupon proceed to hear and determine the questions so submitted.

Supreme Court may require case to be amended.

New.

35 (2.) If and so far as the appeal relates to questions of fact, the Supreme Court may, as it thinks fit, either determine the same on the case as so stated, or take additional evidence (either orally or on affidavit), or rehear the whole case.

40 26. Except on a question of fact the decision of the Supreme Court on any such appeal shall be subject to appeal to the Court of Appeal, and any case so stated for the decision of the Supreme Court on a question of law only may be removed into the Court of Appeal.

Removal of case stated into Court of Appeal.

27. (1.) The Supreme Court or Court of Appeal may award such costs to or against the Commissioner as it thinks just.

Costs in cases before Supreme Court or Court of Appeal.

45 (2.) The Commissioner shall not be required to give security for costs in any such proceedings before the Supreme Court or Court of Appeal.

(3.) All costs awarded against the Commissioner by the Magistrate's Court, Supreme Court, or Court of Appeal shall be payable out of moneys appropriated by Parliament, and not otherwise.

50 28. The obligation to pay and the right to receive and recover any tax shall not be suspended by any objection or appeal, but if the objector or appellant succeeds in his objection or appeal the amount

Refund to appellant of tax paid in excess.

(if any) of tax received by the Commissioner in excess of the amount which, according to the decision on the hearing of the objection or appeal, was properly payable shall forthwith be repaid to him by the Commissioner.

Taxpayer may require Commissioner to state a case for the Supreme Court.

29. (1.) Notwithstanding anything hereinbefore contained, any objection made in the manner and within the time aforesaid to an assessment of land-tax or income-tax, if and so far as it relates to any question of law only, may at the option of the taxpayer be referred directly to the Supreme Court by way of case stated in accordance with the following provisions. 5 10

(2.) The taxpayer (hereinafter called the appellant) may deliver to the Commissioner together with the notice of objection, or at any time within two months after the receipt thereof by the Commissioner, a notice in writing requiring him to state a case for the opinion of the Supreme Court. 15

(3.) The Commissioner shall thereupon state and sign a case accordingly, setting forth the facts, the questions of law to be decided, and the assessment made by him, and shall deliver the case so signed to the appellant.

(4.) The appellant shall within fourteen days after receiving the case transmit the same to the Registrar of the Supreme Court in such judicial district as the appellant thinks fit, and the Registrar shall thereupon enter the case for hearing at the first practicable sitting of the Court. 20

(5.) The provisions of sections twenty-five to twenty-eight of this Act shall extend and apply to any such case stated by the Commissioner, in the same manner with all necessary modifications as to a case stated by a Magistrate. 25

(6.) On the determination of any such case stated *the Supreme Court may either confirm or cancel the assessment, or increase or reduce the amount thereof, and* the assessment roll shall be altered, if necessary, so as to conform to that determination. 30

*New.*

Determination of objection under foregoing provisions to apply only to land or income in respect of which assessment made.

29A. The determination of an objection under any of the foregoing provisions shall relate solely to the land or income which is the subject of the assessment objected to, and shall not affect the right of the Commissioner to assess any other land or income of the objector, or to amend the assessment objected to in any manner rendered necessary by the assessment of such other land or income. 35

Restricted operation of provisions as to objections and appeals.

30. The foregoing provisions as to objections and appeals shall have no application to an objection to any valuation of land made by the Valuer-General in accordance with the Valuation of Land Act, 1908, or the principal Act or this Act, or to any matter which by the principal Act or this Act, or any amendment thereof, is left to the discretion, judgment, or determination of the Commissioner. 40 45

Section 38 of principal Act amended.

31. Section thirty-eight of the principal Act is hereby amended by inserting at the commencement thereof the words "In lieu of the special exemption mentioned in the last preceding section"; and by omitting all words after the word "allow," and substituting the words "an exemption not exceeding two thousand pounds." 50



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32. In lieu of the special exemption mentioned in section thirty-seven of the principal Act, the Commissioner may, in his discretion, where a taxpayer is a widow any of whose children are wholly or partially dependent upon her for support, allow an exemption not exceeding three thousand five hundred pounds.

Special exemption to widow with children.

33. (1.) Notwithstanding anything in section thirty-seven or section thirty-nine of the principal Act, no taxpayer shall be entitled to a greater special exemption in the aggregate than he would be entitled to if he were separately assessed on the aggregate value of his share or shares in all land owned by him as a joint tenant or tenant in common or otherwise as mentioned in the said section thirty-nine, and of all other land in respect of which he is assessable; and in any such case the Commissioner shall, if and so far as necessary, reduce the exemptions otherwise allowable under the said sections.

Mode of computing special exemption when taxpayer owns land jointly and in severalty.

(2.) For the purposes of this section, but not otherwise, an exemption allowed in respect of a joint assessment shall be apportioned between the several owners in proportion to the interest of each of them in the land in respect of which the exemption is so allowed.

34. Section forty of the principal Act is hereby amended by omitting the words "Every purchaser of land on credit or deferred payment," and substituting the words "Every person who has entered into an agreement for the purchase of land."

Section 40 of principal Act amended.

35. In estimating the unimproved value of land held in life-tenancy or for any estate of freehold less than the fee-simple the interests of all persons entitled in remainder or reversion shall be deemed to form part of that value, and shall be included therein accordingly.

Unimproved value of freehold estates less than the fee-simple.

36. In the case of land which is owned by any half-caste Maori, whether in severalty or jointly or in common with any Maori, and occupied by any person other than the owner or owners, all land-tax (whether ordinary or graduated) payable by such half-caste owner in respect of that land shall be payable on his behalf by the occupier, and the occupier shall for the purposes of the principal Act and this Act be deemed to be the agent of that half-caste owner accordingly.

Occupier of land owned by half-caste Maori to be liable in respect of tax.

37. Section forty-nine of the principal Act is hereby amended by adding thereto the following words:—

Section 49 of principal Act amended.

" 'Leasehold estate' includes any estate howsoever created other than a freehold estate :

" 'Estate' includes any right, whether at law or in equity, and whether vested or contingent, in possession, reversion, or remainder, to the possession of land or to the receipt of the rents or profits thereof, or to the proceeds of the sale or other disposition thereof, whether immediately or through a trustee, or otherwise howsoever :

" 'Possession' includes any use which is in fact or effect substantially exclusive, whether by virtue of a right of exclusive occupation or not :

" 'Lease' means any disposition whatsoever by which a leasehold estate is created."

## New.

Section 50 of  
principal Act  
amended.

37A. Section fifty of the principal Act is hereby amended—

(a.) By omitting from subsection one the words “commencing with the year ending on the thirty-first day of March, one thousand nine hundred and nine”; and

(b.) By omitting from the same subsection the words “at the rate hereinafter set forth,” and substituting the words “at the rates set forth by Acts which may from time to time be passed in that behalf.”

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Repeals.

37B. Sections fifty-one and fifty-two and the Second Schedule of the principal Act are hereby repealed.

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Increase of  
graduated land-tax  
in respect of  
premises other than  
business premises.

38. (1.) If the unimproved value of the land of any taxpayer is not less than thirty thousand pounds, the amount of graduated land-tax chargeable under paragraph (3) of the Schedule hereto payable in respect thereof shall be increased by twenty-five per centum thereof in the case of all land other than business premises as defined in section fifty-three of the principal Act, and the provisions of that section shall apply accordingly.

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Repeal.

(2.) Subsections one, five, and six of section fifty-three of the principal Act are hereby repealed.

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Graduated land-tax  
payable by  
absentees.

39. (1.) Every taxpayer who on the thirty-first day of March in any year is an absentee within the meaning of this section shall be assessed and liable for graduated land-tax to an amount greater by fifty per centum than the amount for which he would have been assessed independently of this section, including in such last-mentioned amount his share of any graduated land-tax for which he is assessable jointly with any other taxpayer, whether an absentee or not.

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(2.) Every person shall be deemed to be an absentee for the purposes of this section unless he has been personally present in New Zealand for at least one-half of the period of four years immediately preceding the year for which he is assessed for graduated land-tax:

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Provided that no person who has acquired all his land in New Zealand within the said period of four years shall be deemed to be an absentee if he has been personally present in New Zealand for at least one-half of the period which has elapsed between the time when he first acquired any of that land and the commencement of the year for which he is assessed for graduated land-tax.

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Application of  
section.

(3.) This section shall not apply to companies, but shall apply to shareholders in companies, in accordance with the provisions of section fifty-seven of the principal Act, as if they were assessable jointly in respect of the land owned by such companies.

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(4.) Where any shareholder in a company is assessable as an absentee for graduated land-tax in respect of the land of the company the company shall be deemed for the purposes of such assessment to be the agent of the shareholder, and shall be liable, though not to the exclusion of the shareholder, to pay on his behalf the graduated land-tax payable by him so far as it relates to the land of the company; and the Commissioner may recover such tax accordingly either from the shareholder or from the company:

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Provided that no tax shall be so recovered from the company unless a written demand therefor has been made upon the company

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by the Commissioner within one year from the due date of the tax, and while the taxpayer continues to remain a shareholder of the company.

(5.) This section is in substitution for section fifty-four of the principal Act, which section is hereby repealed accordingly.

Repeal.

40. Section fifty-five of the principal Act is hereby amended by adding thereto the following proviso:—

Section 55 of principal Act amended.

10 “Provided that if any person so entitled in reversion or remainder is entitled in possession to the receipt of any rents or profits of the said land, or is otherwise entitled in possession to any other beneficial interest in the said land, or if the Commissioner is satisfied that any such freehold estate has been created for the purpose of obtaining exemption from graduated land-tax for any person so entitled in reversion or remainder, the Commissioner may, if he

15 thinks fit, from time to time at his discretion, elect to treat the said freehold estate as if it was a leasehold estate; and all the provisions of section fifty-six of this Act (relating to leasehold estates) shall thereupon apply accordingly.”

20 41. Section fifty-six of the principal Act is hereby amended by inserting, before the word “existing” in subsection four thereof, the words “other than an estate at will or by sufferance or determinable by the lessor or other person entitled in reversion or remainder.”

Section 56 of principal Act amended.

*New.*

25 41A. Section fifty-seven of the principal Act is hereby amended by adding the following subsections:—

Section 57 of principal Act amended.

“ (4.) This section does not apply to a company—

30 “ (a.) Whose principal objects are of a manufacturing or mercantile nature, and which owns or holds lands for the purpose of, or in connection with, or as an adjunct to the manufacturing or mercantile purposes of its business, and for no other purpose; or

“ (b.) Whose principal object is the lending of money, unless the company also owns or holds land other than its business premises:

35 “ Provided that any company may acquire any land, and hold the same for a period not exceeding one year after such acquisition without thereby being a company to which this section applies, where such land formed the whole or part of the security for moneys lent by the company, and its acquisition by the company was consequent

40 upon the default of a mortgagor to the company.

“ (5.) The determination of the Commissioner as to whether any company is a company to which this section applies shall be final and conclusive.”

45 42. Section seventy of the principal Act is hereby amended, as to paragraph (b) thereof, by omitting the words “the capital value of the land,” and substituting the words “the full and actual value of such security as estimated by the Commissioner in accordance with the provisions of this Act relating to the valuation of mortgages.”

Section 70 of principal Act amended.

50 43. Section seventy-one of the principal Act is hereby amended by omitting the words “all profits from investments of any kind other than investments in land and including also.”

Section 71 of principal Act amended.

Section 72 of  
principal Act  
amended.

Section 74 of  
principal Act  
amended.

44. Section seventy-two of the principal Act is hereby amended by omitting the word "ten," and substituting the word "fifteen."

45. Section seventy-four of the principal Act is hereby amended—

(a.) By inserting in paragraph (a) the word "insurance" after the words "derived from"; 5

(b.) By adding the following paragraph:—

"(c.) Such income shall not include sums recovered from companies which do not carry on business in New Zealand in respect of losses on risks reinsured with such companies, and no deduction shall be allowed from such income in respect of premiums paid for reinsurance with companies not carrying on business in New Zealand." 10

Section 76 of  
principal Act  
amended.

46. Section seventy-six of the principal Act is hereby amended by adding the following paragraph:— 15

"(d.) For the purposes of this section the term "dividend" includes any sum distributed by a liquidator amongst the shareholders, and derived from income which would have been assessable if the company had not been a mining company." 20

Section 79 of  
principal Act  
amended.

47. Section seventy-nine of the principal Act is hereby amended—

(a.) As to paragraph (c) thereof, by omitting all the words of that paragraph after the words "real property," and substituting the words "if the business of the taxpayer comprises dealing in such property; or if the property was acquired for the purpose of selling it or otherwise disposing of it at a profit"; 25

(b.) As to paragraph (d) thereof, by adding the following proviso— 30

" Provided that income-tax shall not be assessed on any interest payable in places beyond New Zealand in respect of any stock or debentures issued by the Government of New Zealand or by any local or other statutory public body in New Zealand, but this proviso shall not be so construed as to exempt interest payable out of New Zealand but received in New Zealand"; 35

(c.) As to paragraph (e) thereof, by adding the words "or from lands reserved, set apart, or granted by the Crown as endowments and occupied for pastoral purposes." 40

Section 87 of  
principal Act  
amended.

48. Section eighty-seven of the principal Act is hereby amended by adding to paragraph (b) thereof, relating to losses or outgoing not actually incurred in New Zealand, the words "save in so far as the Commissioner is satisfied that any such deduction is just and reasonable, and allows the same in his discretion accordingly." 45

Assessment of  
income-tax in the  
case of partners, &c.

49. In the case of taxpayers deriving or receiving income from business, employment, or emolument as partners or on joint account, the rate of income-tax chargeable shall be determined in respect of each of those taxpayers, and in respect of the joint assessment as 50

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well as each separate assessment, by reference to the assessable income derived or received by him separately, together with his share or shares in the assessable income derived or received by him as a partner or on joint account with any other person or persons.

*Struck out.*

50. (1.) For the purposes of the principal Act and this Act the income derived or received from business, employment, or emolument by a married woman shall be deemed to have been derived or received from the like source by her husband, and he shall be assessed and liable for income-tax on the sum of both of their incomes and at the rate appropriate to that sum accordingly.

Income of married woman to be included in husband's income for purposes of taxation.

(2.) In respect of any special exemption allowed by the principal Act or this Act, a single exemption only shall be allowed on any such assessment, and such exemption shall be computed on the sum of both incomes as aforesaid.

(3.) It shall be the duty of the husband to include in his return the income of his wife in the same manner as if it was received by himself.

(4.) Notwithstanding the provisions of this section, a married woman shall, if so required by the Commissioner, make the same returns of her income as if this section was not in force.

(5.) The provisions of this section shall extend and apply to cases in which the husband and wife are in receipt of income as partners, or otherwise jointly or in common.

(6.) The payment by a husband, in accordance with this section, of income-tax on the income of his wife shall exempt his wife from all liability for income-tax on that income, but, save as herein provided, nothing in this section shall take away or affect any liability to which she would otherwise be subject.

51. Section eighty-nine of the principal Act is hereby amended by omitting the words "was last assessed for land-tax," and substituting the words "was valued in the district valuation roll in force under the Valuation of Land Act, 1908, at the end of the financial year in which the assessable income was derived by the taxpayer from the said business."

Section 89 of principal Act amended.

52. Notwithstanding anything in the principal Act or this Act, moneys derived by any person by way of rent, or for goodwill, or otherwise from the lease or sublease of any premises in respect of which a publican's or accommodation license is in force under the Licensing Act, 1908, shall be deemed to be income derived from business, and income-tax shall be payable thereon accordingly, subject, however, to a deduction from that income of an annual sum equal to five per centum of the capital value of the interest of the taxpayer in those premises as appearing on the district valuation roll in force under the Valuation of Land Act, 1908, at the end of the financial year during which the said income was derived by the taxpayer:

Rent derived from licensed premises deemed to be income derived from business.

Provided that if in any case no separate valuation of the said capital value appears on the district valuation roll in force on the thirty-first day of March in any year, the Valuer-General shall, on the requisition of the Commissioner, cause a valuation thereof to be made as at the said thirty-first day of March in that year, and the aforesaid deduction shall be computed in accordance with the valuation so made.

Valuation of capital value of premises for purposes of section 52.

Section 98 of principal Act amended.

53. Section ninety-eight of the principal Act, relating to deceased taxpayers, is hereby amended by repealing paragraphs (c) and (d).

Section 99 of principal Act amended.

54. Section ninety-nine of the principal Act is hereby amended by adding to subsection two thereof the following words: "and no subsequent disposition of that land shall be registered until the tax is paid."

Section 104 of principal Act amended.

55. Section one hundred and four of the principal Act is hereby amended by inserting therein, after paragraph (a), the following paragraph:—

"(aa.) Every taxpayer shall, if so required by the Commissioner, furnish in writing any information, or produce any documents, relating to land or income, including lists of shareholders of companies with the amount of capital contributed by each shareholder, and also copies of balance-sheets, and of profit and loss or other accounts, which may be in his knowledge, possession, or control."

Returns as to debentures issued by local authorities to be supplied to Commissioner on demand.

56. For the purpose of assessing the interest on debentures issued by any local or other statutory public body, the secretary, clerk, or other proper officer of that body shall furnish the Commissioner from time to time, as required by him, with a list of the debenture-holders and the amounts of interest payable, and the place where such interest is payable, and with any other information in the possession of such secretary, clerk, or officer relating to such debentures or debenture-holders and required by the Commissioner.

Section 107 of principal Act amended.

57. Section one hundred and seven of the principal Act is hereby amended by omitting from paragraph (d) thereof the words "under section twenty-two hereof as from an assessment of income (whether the objection relates to land-tax or income-tax)," and substituting the words "as from an assessment of income-tax or land-tax, as the case may be."

Section 109 of principal Act amended.

58. Section one hundred and nine of the principal Act is hereby amended by omitting the words "three years next after the date of the offence," and substituting therefor the words "four years after the termination of the financial year, ending on the thirty-first day of March, in which the offence was committed."

Commissioner not to increase assessments of tax after three years.

59. (1.) When any person has duly made returns, and has been assessed for land-tax or income-tax for any year, it shall not be lawful for the Commissioner to alter any such assessment so as to increase the amount thereof after the expiration of three years from the end of the financial year in which such assessment was made

(2.) Nothing in this section shall be so construed as to preclude or affect the imposition or recovery of any fine in pursuance of the provisions of sections one hundred and six, one hundred and seven, and one hundred and nine of the principal Act.

Repeal.

(3.) This section is in substitution for section one hundred and fifteen of the principal Act, which section is hereby repealed accordingly.

Refund of taxes paid in excess, on application made within three years.

60. (1.) In any case where the Commissioner is satisfied that tax has been paid in excess for any year he shall refund the excess, provided that written application therefor has been made by or on behalf of the taxpayer within three years from the end of the financial year for which the tax was so paid.

(2.) This section is in substitution for section one hundred and sixteen of the principal Act, which section is hereby repealed accordingly. Repeal.

5 **61.** Returns of land and mortgages owned at noon on the thirty-first day of March, nineteen hundred and *twelve*, and of income derived or received during the year ending on that day, shall, if so required by the Commissioner, be made or revised in accordance with this Act; and all such returns, land, mortgages, and income shall be subject to the provisions of this Act: Application of Act.

10 *New.*  
 Provided that section twelve (A) hereof (relating to the assessment of taxation in respect of flax-lands) shall not come into operation until the first day of April, nineteen hundred and *thirteen*.

*Struck out.*

SCHEDULE.

Schedule.

LAND-TAX.

(1.) A duty by way of ordinary land-tax of one penny for every pound of the unimproved value of the land of any taxpayer, after making the deductions and exemptions authorized by law.

(2.) A duty by way of ordinary land-tax of three farthings for every pound of the capital value of the mortgages owned by any taxpayer, after making the deductions and exemptions authorized by law.

(3.) A duty by way of graduated land-tax computed as follows:—

(a.) Where the unimproved value of the land of any taxpayer is not less than five thousand pounds and not more than fifteen thousand pounds, a duty for every pound of the unimproved value assessed at the rate of one thirty-second of a penny increased by one thirty-two-thousandth of a penny for each pound of the excess of such value over five thousand pounds.

(b.) Where the unimproved value of the land of any taxpayer is more than fifteen thousand pounds and not more than thirty thousand pounds, a duty for every pound of the unimproved value assessed at the rate of eleven thirty-seconds of a penny increased by one forty-thousandth of a penny for every pound of the excess of such value over fifteen thousand pounds.

(c.) Where the unimproved value of the land of any taxpayer is more than thirty thousand pounds and is not more than two hundred thousand pounds, a duty for every pound of the unimproved value assessed at the rate of twenty-three thirty-seconds of a penny increased by three one-hundred-thousandths of a penny for every pound of the excess of such value over thirty thousand pounds.

(d.) Where the unimproved value of the land of any taxpayer is more than two hundred thousand pounds, a duty of fivepence and five-sixths of a penny for every pound of the unimproved value.

*Struck out.*

## INCOME-TAX.

(4.) A duty by way of income-tax of one shilling for every pound of income derived or received for each year ending on the thirty-first day of March immediately preceding the year of assessment, and assessable under sections sixty-nine and seventy of the Land and Income Assessment Act, 1908 (relating to the debentures of companies).

(5.) A duty by way of income-tax for every pound of the income of companies chargeable by law (including companies and all non-resident taxpayers assessable under section eighty-five of the Land and Income Assessment Act, 1908) derived or received for each year ending as aforesaid, as follows:—

- |  |        |                             |
|--|--------|-----------------------------|
| (a.) Where such income does not exceed twelve hundred and fifty pounds                                 | ... .. | One shilling.               |
| (b.) Where such income exceeds twelve hundred and fifty pounds but does not exceed two thousand pounds | ... .. | One shilling and one penny. |
| (c.) Where such income exceeds two thousand pounds   | ... .. | One shilling and twopence.  |

(6.) A duty by way of income-tax on the income of all taxpayers other than those enumerated in paragraphs (4) and (5) hereof:—

For every pound of the income chargeable by law derived or received from business, employment, or emolument for each year ending as aforesaid, a duty by way of income-tax as follows:—

- |  |        |                             |
|--|--------|-----------------------------|
| (a.) Where such income does not exceed four hundred pounds   | ... .. | Sixpence.                   |
| (b.) Where such income exceeds four hundred pounds but does not exceed six hundred pounds              | ... .. | Sevenpence.                 |
| (c.) Where such income exceeds six hundred pounds but does not exceed seven hundred pounds             | ... .. | Eightpence.                 |
| (d.) Where such income exceeds seven hundred pounds but does not exceed eight hundred pounds           | ... .. | Ninepence.                  |
| (e.) Where such income exceeds eight hundred pounds but does not exceed nine hundred pounds            | ... .. | Tenpence.                   |
| (f.) Where such income exceeds nine hundred pounds but does not exceed one thousand pounds             | ... .. | Elevenpence.                |
| (g.) Where such income exceeds one thousand pounds but does not exceed twelve hundred and fifty pounds | ... .. | One shilling.               |
| (h.) Where such income exceeds twelve hundred and fifty pounds but does not exceed two thousand pounds | ... .. | One shilling and one penny. |
| (i.) Where such income exceeds two thousand pounds   | ... .. | One shilling and twopence.  |