

GOLD TAX COLLECTION.

No. 51 of 1939.

An Act relating to the Imposition and Collection of a Tax upon Gold.

[Assented to 15th December, 1939.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Gold Tax Collection Act* 1939.

Commencement.

2. This Act shall be deemed to have come into operation on the fifteenth day of September, One thousand nine hundred and thirty-nine.

Extension to
Territories.
Definitions.

3. This Act shall extend to the Territories of the Commonwealth.

4. In this Act, unless the contrary intention appears—

“tax” means tax imposed by the *Gold Tax Act* 1939;

“the Account” means the Gold Tax (New Guinea) Trust Account established in pursuance of this Act;

“the Bank” means the Commonwealth Bank of Australia;

“wrought gold” means gold and gold alloys which on view have apparently been worked or manufactured for trade purposes, and includes the waste products arising from the working and manufacturing of gold and gold alloys for trade purposes.

5. The tax in respect of any gold shall be payable by the person (in this Act referred to as "the taxpayer") who delivers the gold to the Bank, or to an agent of the Bank. Liability to gold tax.

6. The following gold shall be exempt from tax :— Exemptions.
 (a) Gold imported into Australia from any place not being a Territory of the Commonwealth ; and
 (b) Gold coin and wrought gold, unless and until the Treasurer otherwise directs by notice published in the *Gazette*.

7.—(1.) Tax shall be a debt due by the taxpayer to the Commonwealth and shall be payable in accordance with the provisions of this section. Payment of tax.

(2.) The Bank, or the agent of the Bank, as the case may be, shall deduct from any amount payable in respect of gold delivered to the Bank, or to an agent of the Bank, the amount of tax imposed upon the gold so delivered, and shall pay the amount so deducted to the Commonwealth at the prescribed time and in the prescribed manner.

Penalty : One thousand pounds.

(3.) The deduction of any amount of tax in pursuance of sub-section (2.) of this section shall operate—

- (a) so as to discharge the liability of the taxpayer to pay that tax ; and
- (b) so as to discharge, *pro tanto*, the liability of the Bank to make payment to the taxpayer for the gold in respect of which the tax was payable.

(4.) If any amount of tax is not deducted as required by sub-section (2.) of this section, the taxpayer shall forthwith pay the tax to the Commonwealth in the prescribed manner.

Penalty : One thousand pounds.

(5.) The Commonwealth may sue for and recover in any court of competent jurisdiction—

- (a) any amount of tax deducted in pursuance of sub-section (2.) of this section and not paid to the Commonwealth ; and
- (b) any amount of tax payable by a taxpayer in pursuance of sub-section (4.) of this section and not paid to the Commonwealth.

8.—(1.) The Commonwealth shall, subject to the regulations, refund to a taxpayer who is a *bona fide* prospector the amount of tax upon the first twenty-five ounces of gold on which he directly or indirectly pays tax in any year. Refund of tax.

(2.) For the purposes of this section—

"*bona fide* prospector" means a person (other than a company) who satisfies a prescribed authority that—

- (a) he has personally performed the whole or the major part of the field work of prospecting for and obtaining the gold upon which he has paid tax ; or

(b) he is one of two or more persons who together have personally performed the whole or major part of such work ;

“ year ” means the year commencing on the date of the passing of this Act or any year commencing on any anniversary of that date.

(3.) The Commonwealth shall pay to any taxpayer any amount of tax overpaid by him.

Avoidance of tax.

9.—(1.) A person shall not by any wilful act, default or neglect, or by any fraud, art or contrivance whatever, avoid or evade or attempt to avoid or evade liability to pay tax.

Penalty : One thousand pounds.

(2.) A prosecution for an offence against this section may be commenced at any time within six years after the commission of the offence.

Offences in relation to refunds.

10. A person shall not—

- (a) obtain any refund of tax which is not payable ;
- (b) obtain any refund of tax by means of any false or misleading statement ; or
- (c) present to any officer or other person doing duty in relation to this Act or the regulations, or make to any such officer or person any statement which is false in any particular.

Penalty : One hundred pounds or imprisonment for six months.

Gold Tax (New Guinea) Trust Account.

11.—(1.) For the purposes of this Act there shall be a Trust Account which shall be known as the Gold Tax (New Guinea) Trust Account.

(2.) The Account shall be a Trust Account for the purposes of section sixty-two A of the *Audit Act* 1901–1934.

(3.) There shall be payable to the credit of the Account, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, all tax paid in respect of gold produced in the Territory of New Guinea.

(4.) The moneys standing to the credit of the Account shall be applied for or in relation to the defence of the Territory of New Guinea or for other purposes of that Territory.

Regulations.

12. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for prescribing matters providing for or in relation to—

- (a) applications for, and the making of, refunds of tax ; and
- (b) penalties not exceeding a fine of One hundred pounds or imprisonment for a period of six months, for offences against the regulations.