

WOOL TAX ASSESSMENT.

No. 37 of 1952.

An Act to amend the *Wool Tax Assessment Acts 1936*, and for other purposes.

[Assented to 17th June, 1952.]

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

Short title and citation.

1.—(1.) This Act may be cited as the *Wool Tax Assessment Act 1952*.

(2.) The *Wool Tax Assessment Acts 1936** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Wool Tax Assessment Act 1936-1952*.

Commencement.

2. This Act shall come into operation on the first day of July, One thousand nine hundred and fifty-two.

Repeal.

3.—(1.) The Acts specified in the Schedule to this Act are repealed.

(2.) The Acts repealed by this section, and any regulations made under those Acts, shall continue, and be deemed to have at all times continued, in force for all purposes in connexion with the assessment or collection of contributory charge imposed before the commencement of this Act by the *Wool (Contributory Charge) Act (No. 1) 1950* or by the *Wool (Contributory Charge) Act (No. 2) 1950*, or by either of those Acts as amended at any time.

Title.

4. The title of the Principal Act is amended by omitting the words "a Tax upon Wool grown in Australia and shorn on or after the first day of July, One thousand nine hundred and thirty-six" and inserting in their stead the words "Wool Tax".

Definitions.

5. Section three of the Principal Act is amended—

(a) by omitting from sub-section (1.) the definitions of "tax" and "the Board" and inserting in their stead the following definitions :—

"tax" means tax imposed by the *Wool Tax Act (No. 1) 1952* or by the *Wool Tax Act (No. 2) 1952* ;

"the Board" means the Australian Wool Board constituted under the *Wool Use Promotion Act 1945-1952* ;"

* Acts Nos. 22 and 42, 1936.

(b) by inserting in that sub-section, after the definition of "the Second Commissioner", the following definition:—

"'wool' means wool which has been shorn from sheep;"; and

(c) by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

"(2.) For the purposes of this Act, a wool-broker or dealer shall be deemed to receive wool if, and only if—

(a) he purchases or otherwise acquires it;

(b) he receives it for sale, disposition, storage, pooling, re-grading, processing or manufacture, or for a purpose prescribed by the regulations; or

(c) he produces it.

"(3.) Where, by virtue of the last preceding sub-section, a wool-broker or dealer is deemed to have received wool produced by him, he shall be deemed to have received the wool on the day on which it was shorn."

6. Section nine of the Principal Act is amended by omitting from sub-section (4.) the words "or to the Commonwealth Statistician" and inserting in their stead the words "to the Secretary to the Department of Commerce and Agriculture or to the Commonwealth Statistician".

Officers to observe secrecy.

7. Section ten of the Principal Act is repealed and the following section inserted in its stead:—

"10. This Act applies to and in relation to the assessment and collection of tax imposed by the *Wool Tax Act (No. 1) 1952* and the *Wool Tax Act (No. 2) 1952*."

Wool tax

8. Section twelve of the Principal Act is repealed and the following section inserted in its stead:—

"12.—(1.) Where a wool-broker or dealer receives wool which has not previously been received by a wool-broker or dealer, he shall pay to the Commissioner the tax in respect of that wool and may, in the case of wool other than wool produced by him—

Liability to pay tax.

(a) recover from the person from whom he received that wool the amount of the tax in respect of that wool; or

(b) for the purpose of payment of the tax, retain so much of any amount which is payable to any person in respect of that wool as is equal to the amount of the tax.

"(2.) In the last preceding sub-section, 'tax' does not include additional tax payable in pursuance of this Act.

"(3.) Where a person exports wool, being wool other than wool which has been received by a wool-broker or dealer, he shall pay to the Commissioner the tax on that wool.

“(4.) Notwithstanding anything contained in this Act, tax is not payable on any wool where the Commissioner is satisfied that contributory charge has been paid or is payable in respect of that wool under the *Wool (Contributory Charge) Act (No. 1) 1950-1951* or under the *Wool (Contributory Charge) Act (No. 2) 1950-1951*.”

9. Section thirteen of the Principal Act is repealed and the following section inserted in its stead :—

Returns.

“13. A wool-broker or dealer shall, not later than fifty-two days after the end of each period of three months ending on the last day of September, December, March or June, furnish to the Commissioner, in the prescribed form, a return of the wool received by him during that period.”

10. Section eighteen of the Principal Act is repealed and the following sections are inserted in its stead :—

Time to pay—
extensions and
instalments.

“17A. Notwithstanding anything contained in the last preceding section, the Commissioner may, in such cases as he thinks fit—

- (a) extend the time for payment of tax for such period or periods as he considers the circumstances warrant; or
- (b) permit payment of tax to be made by instalments within such times as he considers the circumstances warrant.

Additional tax.

“18.—(1.) Subject to the next succeeding sub-section, where a person fails to pay tax payable by him on or before the date when the tax is due or payable or within such further time for payment as is allowed by the Commissioner under the last preceding section, that person, in addition to his liability to pay that tax, is liable to pay, by way of additional tax, ten per centum of the amount of tax which he has so failed to pay.

“(2.) The Commissioner may, in any particular case, for reasons which in his discretion he thinks sufficient, remit the whole or part of any additional tax payable under the last preceding sub-section.”

11. Section twenty-three of the Principal Act is repealed and the following section inserted in its stead :—

Persons leaving
Australia.

“23.—(1.) Where the Commissioner has reason to believe that a person liable to tax or further tax may leave Australia before the tax or further tax becomes due and payable by him, the tax or further tax is due and payable on such date as the Commissioner fixes and notifies to that person.

“(2.) Upon the application of a person about to leave Australia, the Commissioner, the Second Commissioner or a Deputy Commissioner may, if he is satisfied—

- (a) that that person is not liable to pay tax;
 - (b) that arrangements have been made to the satisfaction of the Commissioner for the payment of any tax that is or may become payable by that person; or
 - (c) that the tax payable by that person is irrecoverable,
- issue a certificate that, for the purposes of this Act, there is no objection to the departure of that person from Australia.”

12. Section twenty-six of the Principal Act is repealed and the following sections are inserted in its stead :—

“ 25A. The last two preceding sections do not apply in relation to travel by a member of the Defence Force who is certified by a person authorized in that behalf by the Minister of State for Defence to be travelling in the course of his duty as such a member.

Certificates
not required
by members of
Defence Force.

“ 26.—(1.) A person who is liquidator of a company which is being wound-up and is liable to pay tax shall, within fourteen days after—

Liquidators
to give notice.

- (a) that person has become liquidator of the company ; or
- (b) the company has become liable to pay tax,

whichever last occurs, give notice in writing to the Commissioner that he is liquidator of the company.

“ (2.) The Commissioner shall, as soon as practicable after the receipt by him of a notice given under the last preceding sub-section, notify to the liquidator the amount which appears to the Commissioner to be sufficient to provide for any tax which then is or will become payable by the company.

“ (3.) The liquidator—

- (a) shall not, without leave of the Commissioner, part with any of the assets of the company until he has been so notified ;
- (b) shall, out of the assets available for the payment of the tax, set aside assets to the value of the amount so notified or, if the assets available are of less than that value, the whole of the assets available ; and
- (c) is, to the extent of the value of the assets which he is so required to set aside, liable as trustee to pay the tax.

“ (4.) Where a liquidator fails to comply with any provision of this section or fails duly to pay the tax which he is liable, under the last preceding sub-section, to pay as trustee—

- (a) the liquidator is to the extent of the value of the assets of which he has taken possession and which are, or were at any time, available to him for the payment of the tax, personally liable to pay the tax ; and
- (b) the liquidator is guilty of an offence punishable upon conviction by a penalty of not less than One pound and not more than Fifty pounds.

“ (5.) Where two or more persons are liquidators or are required by law to carry out the winding-up of a company which is liable to pay tax—

- (a) the obligations and liabilities attaching to a liquidator under this section attach to each of those persons ; and
- (b) if any one of those persons has paid the tax due by the company, the other person or each of the other persons is liable to pay to that person his equal share of the amount of the tax so paid.

“(6.) Notwithstanding anything contained in this section, all costs, charges and expenses which, in the opinion of the Commissioner, have been properly incurred by the liquidator in the winding-up of a company, including the remuneration of the liquidator, may be paid out of the assets of the company in priority to any tax payable by the company.”.

Amendments
of the Wool
Use Promotion
Act 1945.

13.—(1.) Section fifteen of the *Wool Use Promotion Act 1945* is amended by omitting sub-section (2.).

(2.) Notwithstanding the amendment of the *Wool Use Promotion Act 1945* effected by the last preceding sub-section, the provisions of sub-section (2.) of section fifteen of that Act, as affected by the provisions of sub-section (3.) of section fourteen of the *Wool (Contributory Charge) Assessment Act 1945-1951*, shall continue to apply in relation to the financial year which ended on the thirtieth day of June, One thousand nine hundred and fifty-two.

(3.) Section sixteen of the *Wool Use Promotion Act 1945* is amended by omitting from sub-section (1.) the words “all moneys received by the Commissioner of Taxation under the *Wool Tax Act 1936-1945*” and inserting in their stead the words “an amount equal to the moneys received by the Commissioner of Taxation under the *Wool Tax Act (No. 1) 1952* and the *Wool Tax Act (No. 2) 1952*”.

(4.) The *Wool Use Promotion Act 1945*, as amended by this Act, may be cited as the *Wool Use Promotion Act 1945-1952*.

Amendment
of the Wool
Realization Act
1945-1950.

14.—(1.) Section sixteen of the *Wool Realization Act 1945-1950* is amended by omitting from paragraph (c) of sub-section (2.) the words “in payment in each financial year” and inserting in their stead the words “in payment in respect of each financial year, up to and including the financial year which ended on the thirtieth day of June, One thousand nine hundred and fifty-two,”.

(2.) The *Wool Realization Act 1945-1950*, as amended by this Act, may be cited as the *Wool Realization Act 1945-1952*.

THE SCHEDULE.

ACTS REPEALED.

Wool Tax Act 1936.

Wool Tax Act 1945.

Wool (Contributory Charge) Act (No. 1) 1950.

Wool (Contributory Charge) Act (No. 1A) 1950.

Wool (Contributory Charge) Act (No. 1) 1951.

Wool (Contributory Charge) Act (No. 2) 1950.

Wool (Contributory Charge) Act (No. 2A) 1950.

Wool (Contributory Charge) Act (No. 2) 1951.

Wool (Contributory Charge) Assessment Act 1945.

Wool (Contributory Charge) Assessment Act 1950.

Wool (Contributory Charge) Assessment Act (No. 2) 1950.

Wool (Contributory Charge) Assessment Act 1951.

Section 3.