

INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ASSESSMENT.

No. 62 of 1955.

An Act to amend the *Income Tax and Social Services Contribution Assessment Act 1936-1954*, as amended by the *Salaries Adjustment Act 1955*, and for other purposes.

[Assented to 4th November, 1955.]

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 *Income Tax and Social Services Contribution Assessment Act 1955*.

(2.) The *Income Tax and Social Services Contribution Assessment Act 1936-1954*,* as amended by the *Salaries Adjustment Act 1955*,† is in this Act referred to as the Principal Act.

(3.) The *Salaries Adjustment Act 1955* is amended by omitting from the Second Schedule the words—

“ *Income Tax and Social Services Con- | Income Tax and Social Services Con-
tribution Assessment Act 1936-1954 | tribution Assessment Act 1936-1955*”.

(4.) The Principal Act, as amended by this Act, may be cited as the *Income Tax and Social Services Contribution Assessment Act 1936-1955*.

Commencement.

2. Except as otherwise provided in this Act, this Act shall come into operation on the day on which it receives the Royal Assent.

Taxpayer
resident in
Territories.

3.—(1.) Section seven of the Principal Act is amended by omitting from sub-section (1.) the words “ and New Guinea ” and inserting in their stead the words “, New Guinea and Cocos (Keeling) Islands ”.

(2.) The amendment made by the last preceding sub-section shall come into operation on the date on which the *Cocos (Keeling) Islands Act 1955* comes into operation and applies in relation to income derived on or after that date.

(3.) The *Income Tax and Social Services Contribution Assessment Act 1936-1952*, as amended by any Act, does not apply, and shall be deemed not to have applied, to any income derived by a resident of

* Act No. 27, 1936, as amended by No. 88, 1936; No. 5, 1937; No. 46, 1938; No. 30, 1939; Nos. 17 and 65, 1940; Nos. 58 and 69, 1941; Nos. 22 and 50, 1942; No. 10, 1943; Nos. 3 and 28, 1944; Nos. 4 and 37, 1945; No. 6, 1946; Nos. 11 and 63, 1947; No. 44, 1948; No. 66, 1949; No. 18, 1950; No. 44, 1951; Nos. 4, 28 and 90, 1952; Nos. 1, 29, 45 and 51, 1953; and No. 43, 1954.
† Act No. 18, 1955.

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the islands known as the Cocos or Keeling Islands from sources within those islands during the year of income that ended on the thirtieth day of June, One thousand nine hundred and fifty-four, or a subsequent year of income and before the date of commencement of the amendment made by sub-section (1.) of this section.

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

“ 23D.—(1.) This section applies where, before the end of the year of income that ends on the thirtieth day of June, One thousand nine hundred and sixty—

Exemption of income from mining and treating uranium.

(a) a taxpayer, being a resident of Australia, derives income from—

(i) the working of a mining property in Australia or in the Territory of New Guinea for the purpose of obtaining uranium-bearing ore ; or

(ii) the treatment in Australia or in the Territory of New Guinea of uranium-bearing ore so obtained by the taxpayer, being treatment for the purpose of recovering uranium concentrates ; and

(b) the Commissioner is satisfied that all uranium recoverable from ore obtained in the year of income from the mining property is or will become (either before or after recovery) the property of the Commonwealth or has been or will be (whether before or after recovery) sold or disposed of to a person approved by the Commonwealth.

“ (2.) So much of the income referred to in the last preceding sub-section as, in the opinion of the Commissioner, is attributable to uranium shall be exempt from tax.

“ (3.) Where a taxpayer carries on operations for purposes which include the gaining or producing of income that is exempt under this section and the gaining or producing of income that is assessable income, the deductions allowable from the assessable income of the taxpayer shall be such part only as the Commissioner considers just of the deductions allowable, but for this sub-section, in relation to those operations.”

5.—(1.) Section thirty-six of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (3.) the word “ or ” (last occurring) ; and

(b) by inserting after paragraph (b) of that sub-section the following word and paragraph :—

“ ; or (c) the taking of a lease of land by a State for the purposes of a campaign for the eradication of cattle tick,”

Disposal of trading stock.

(2.) Notwithstanding anything contained in sub-section (7.) of section thirty-six of the *Income Tax and Social Services Contribution Assessment Act 1936–1955*, an election in relation to live stock disposed

of during the year of income that ended on the thirtieth day of June, One thousand nine hundred and fifty-five, in consequence of the taking of a lease of land by a State for the purposes of a campaign for the eradication of cattle tick may be lodged with the Commissioner on or before the thirty-first day of December, One thousand nine hundred and fifty-five, or on or before such later date as the Commissioner allows.

Dividends.

6. Section forty-four of the Principal Act is amended by inserting after sub-section (2.) the following sub-section :—

“(3.) For the purposes of paragraph (c) of the last preceding sub-section, where a company has derived income which is exempt from tax under section twenty-three D of this Act, the whole of that income shall be deemed to have been derived from the working by that company of a mining property in Australia or in the Territory of New Guinea.”.

Special depreciation allowance to primary producers.

7. Section fifty-seven AA of the Principal Act is amended—

(a) by omitting sub-paragraph (ii) of paragraph (a) of sub-section (3.) and inserting in its stead the following sub-paragraph :—

“(ii) before the first day of July, One thousand nine hundred and fifty-six, or, if the construction of the unit was commenced on or before that date, before the first day of July, One thousand nine hundred and fifty-seven ;” ; and

(b) by omitting sub-paragraph (ii) of paragraph (b) of that sub-section and inserting in its stead the following sub-paragraph :—

“(ii) before the first day of July, One thousand nine hundred and fifty-six ; or”.

Gifts, contributions, allowances and pensions.

8. Section seventy-eight of the Principal Act is amended—

(a) by omitting from sub-paragraph (xiv) of paragraph (a) of sub-section (1.) the word “and” ; and

(b) by adding at the end of that paragraph the following sub-paragraphs :—

“(xvi) the Duke of Edinburgh’s Study Conference Account maintained by the Department of Labour and National Service ;

“(xvii) the Australian and New Zealand Association for the Advancement of Science ; and

“(xviii) The Australian Administrative Staff College ;”.

Deduction for residents of isolated areas.

9. Section seventy-nine A of the Principal Act is amended by omitting from sub-section (1.) the words “other parts of Australia” and inserting in their stead the words “parts of Australia not included in the prescribed area”.

10.—(1.) Division 9A of Part III. of the Principal Act is repealed and the following Division inserted in its stead :—

“ Division 9A.—Friendly Society Dispensaries.

“ 121A. Where a friendly society dispensary, as defined by section ninety-one of the *National Health Act* 1953, is an approved pharmaceutical chemist for the purposes of that Act, ten per centum of the aggregate of the following amounts shall be deemed to be taxable income derived by that friendly society dispensary :—

Friendly society dispensaries.

- (a) amounts received by the friendly society dispensary from the Commonwealth under the *National Health Act* 1953 in respect of the supply of pharmaceutical benefits; and
- (b) the gross proceeds received by the friendly society dispensary from the sale or supply of medicines and other goods sold or supplied in the ordinary course of business, not including amounts received from a friendly society for the supply of benefits to the members of that friendly society.

“ 121B. For the purposes of any Act imposing income tax and social services contribution, a friendly society dispensary to which the last preceding section applies shall be deemed to be a non-profit company.”

Dispensaries to be deemed to be non-profit companies.

(2.) The Division repealed by the last preceding sub-section shall be deemed never to have had any force or effect.

(3.) The Division inserted in the Principal Act by sub-section (1.) of this section does not apply in respect of amounts received by a friendly society dispensary before the date of commencement of this section.

11.—(1.) The Second Schedule to the Principal Act is amended by omitting paragraph 3 of Part I. and inserting in its stead the following paragraphs :—

Amendment of the Second Schedule.

- “ 3. Macquarie Island.
- “ 4. The Territory of Papua.
- “ 5. The Territory of New Guinea.
- “ 6. Norfolk Island.
- “ 7. The Territory of Heard Island and McDonald Islands.
- “ 8. The Australian Antarctic Territory.
- “ 9. The Territory of Cocos (Keeling) Islands.”

(2.) The amendment made by the last preceding sub-section, in so far as it adds paragraph 9 to Part I. of the Second Schedule to the Principal Act, shall come into operation on the date on which the *Cocos (Keeling) Islands Act* 1955 comes into operation.

(3.) For the purposes of assessments under the *Income Tax and Social Services Contribution Assessment Act* 1936–1951, as amended by any Act, in respect of income of the year of income that ended on

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the thirtieth day of June, One thousand nine hundred and fifty-three, or of a subsequent year of income, Macquarie Island, the Australian Antarctic Territory, the islands constituting, at the date of commencement of this sub-section, the Territory of Heard Island and McDonald Islands and the islands known as the Cocos or Keeling Islands shall be deemed to have become, on the date of commencement of that first-mentioned year of income, included in Part I. of the Second Schedule to that Act, as so amended.

Application of
amendments.

12.—(1.) The amendments made by section five of this Act apply to assessments in respect of income of the year of income that ended on the thirtieth day of June, One thousand nine hundred and fifty-five, and in respect of income of all subsequent years.

(2.) Sub-paragraph (xvi) of paragraph (a) of sub-section (1.) of section seventy-eight of the Principal Act as amended by this Act applies in relation to gifts made in the year of income that ended on the thirtieth day of June, One thousand nine hundred and fifty-five, and in all subsequent years.

(3.) Subject to the last preceding sub-section, the amendments made by sections six and eight of this Act apply to assessments in respect of income of the year of income that commenced on the first day of July, One thousand nine hundred and fifty-five, and in respect of income of all subsequent years.

(4.) The amendment made by section four of this Act first applies in respect of income of the year of income that commenced on the first day of July, One thousand nine hundred and fifty-five.
