

# INCOME TAX (INTERNATIONAL AGREEMENTS).

No. 88 of 1959.

An Act to amend the *Income Tax (International Agreements) Act 1953-1958*.

[Assented to 2nd December, 1959.]

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

1.—(1.) This Act may be cited as the *Income Tax (International Agreements) Act 1959*.

Short title  
and citation.

(2.) The *Income Tax (International Agreements) Act 1953-1958\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Income Tax (International Agreements) Act 1953-1959*.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commence-  
ment.

3. Section sixteen of the Principal Act is amended—

(a) by inserting in sub-section (8.), after the definition of “apportionable deduction”, the following definition:—

Ascertainment  
of Australian  
tax, other than  
dividend  
(withholding)  
tax, on  
dividends.

“ ‘ Australian tax ’ means Australian tax other than dividend (withholding) tax; ”; and

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\* Act No. 82, 1953, as amended by No. 25, 1958.

- (b) by inserting in sub-paragraph (ii) of paragraph (b) of the definition of “the average rate of tax” in sub-section (8.), after the word “tax” (first occurring), the words “(other than a rebate under the Act imposing tax for the year of tax)”.

Rebates of  
excess tax  
on dividends  
included in  
assessable  
income.

4. Section seventeen of the Principal Act is amended by inserting in sub-section (1.), after the word “dividend” (first occurring), the words “, being a dividend included in the assessable income of a taxpayer,”.

5. After section seventeen of the Principal Act the following section is inserted:—

Dividend  
(withholding)  
tax.

“ 17A. Where a provision of an agreement limits the amount of Australian tax payable in respect of a dividend, being a dividend in respect of which dividend (withholding) tax is payable, and the amount of that dividend (withholding) tax exceeds the limit specified in the agreement, the liability of the taxpayer for the dividend (withholding) tax shall be reduced by an amount equal to the amount of the excess.”.

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