



Income Tax Rates Act 1986

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About this compilation

This compilation

This is a compilation of the *Income Tax Rates Act 1986* that shows the text of the law as amended and in force on 1 July 2017 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part I—Preliminary	1
1 Short title	1
2 Commencement	1
3 Interpretation	1
3A <i>Working holiday makers and working holiday taxable income</i>	7
4 Incorporation	8
Part II—Rates of income tax payable upon incomes other than incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts	9
Division 1—Preliminary	9
5 Interpretation	9
Division 3—Rates of tax	11
Subdivision B—Rates of tax and notional rates	11
12 Rates of tax and notional rates	11
12A Rate of extra income tax for primary producers	14
12B Rate of extra income tax for recoupments for R&D activities	15
Subdivision C—Resident taxpayers, resident beneficiaries and resident trust estates	15
13 Rates of tax where Division 6AA of Part III of the Assessment Act applies	15
14 Limitation on tax payable by certain trustees	19
Subdivision D—Non-resident taxpayers, non-resident beneficiaries and non-resident trust estates	20
15 Rates of tax where Division 6AA of Part III of the Assessment Act applies	20
Division 4—Pro-rating of the tax-free threshold	25
16 Interpretation	25
18 Part-year residency period	25
20 Pro-rating of the tax-free threshold	26
Part III—Rates of income tax payable upon incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts	28
21 Interpretation	28

23	Rates of tax payable by companies	28
23AA	Meaning of <i>base rate entity</i>	30
23A	Rates of tax payable by life insurance companies	30
25	Rate of tax payable by trustees of public trading trusts	30
26	Rates of tax payable by trustees of superannuation funds	30
27	Rates of tax payable by trustees of approved deposit funds	31
27A	Rates of tax payable by trustees of pooled superannuation trusts	31
28	Rates of tax payable by certain trustees to whom section 98 of the Assessment Act applies	31
28A	Rates of tax payable by trustees of AMITs under paragraph 276-105(2)(b) or (c) of the <i>Income Tax Assessment Act 1997</i>	32
29	Rate of tax on no-TFN contributions income	32
31	Rate of extra income tax for recoupments for R&D activities	33
Part IV—Temporary budget repair levy		34
32	Interpretation	34
33	Application	34
34	Extra income tax for temporary budget repair levy	34
35	Temporary budget repair levy for other income tax rates	35
36	Rate where Division 6AA of Part III of the Assessment Act applies	36
37	Operation of this Part	36
Schedule 7—General rates of tax		38
Part I—Resident taxpayers		38
Part II—Non-resident taxpayers		41
Part III—Working holiday makers		44
Schedule 8—Notional rates for the purposes of section 156 of the Assessment Act		45
Part I—Resident taxpayers, resident beneficiaries and resident trust estates		45
Division 1—Normal notional rate		45
Division 2—Notional rates in respect of certain trust income		46

Part II—Non-resident taxpayers, non-resident beneficiaries and non-resident trust estates	48
Division 1—Normal notional rate	48
Division 2—Notional rates in respect of certain trust income	49
Schedule 10—Rates of tax payable by a trustee under section 98 or 99 of the Assessment Act	50
Part I—Resident beneficiaries and resident trust estates	50
Part II—Non-resident beneficiaries and non-resident trust estates	51
Schedule 10A—Rates of tax payable by an AMIT trustee under paragraph 276-105(2)(a) of the Income Tax Assessment Act 1997	52
Schedule 11—Rates of tax payable on eligible taxable income	53
Part I—Resident taxpayers	53
Part II—Non-resident taxpayers	55
Schedule 12—Rates of tax payable by a trustee under section 98 of the Assessment Act where Division 6AA of Part III of that Act applies	57
Part I—Resident beneficiaries	57
Part II—Non-resident beneficiaries	58
Endnotes	59
Endnote 1—About the endnotes	59
Endnote 2—Abbreviation key	61
Endnote 3—Legislation history	62
Endnote 4—Amendment history	74

An Act to declare the rates of income tax

Part I—Preliminary

1 Short title

This Act may be cited as the *Income Tax Rates Act 1986*.

2 Commencement

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

3 Interpretation

(1) In this Act, unless the contrary intention appears:

abnormal income amount, in relation to the taxable income of a taxpayer of a year of income, means any above-average special professional income included in the taxpayer's taxable income for the year of income under section 405-15 of the *Income Tax Assessment Act 1997*.

ADI has the same meaning as in the *Income Tax Assessment Act 1997*.

AMIT (short for attribution managed investment trust) has the same meaning as in the *Income Tax Assessment Act 1997*.

Assessment Act means the *Income Tax Assessment Act 1936*.

attribution managed investment trust: see ***AMIT***.

base rate entity has the meaning given by section 23AA.

complying ADF means a complying approved deposit fund as defined in the *Income Tax Assessment Act 1997*.

Section 3

complying superannuation class of the taxable income of a life insurance company has the same meaning as in the *Income Tax Assessment Act 1997*.

complying superannuation fund has the same meaning as in the *Income Tax Assessment Act 1997*.

determined member component has the same meaning as in the *Income Tax Assessment Act 1997*.

eligible ADF means a fund that is a complying approved deposit fund or a non-complying approved deposit fund, as defined in the *Income Tax Assessment Act 1997*.

eligible part, in relation to the special income component of the taxable income of a taxpayer, means so much of the special income component as is eligible taxable income for the purposes of Division 6AA of Part III of the Assessment Act.

eligible superannuation fund means a fund that is a complying superannuation fund or a non-complying superannuation fund, as defined in the *Income Tax Assessment Act 1997*.

employment termination remainder of taxable income means so much of the taxable income as:

- (a) is included in assessable income under a maximum tax rate provision in Division 82 of the *Income Tax Assessment Act 1997* or Division 82 of the *Income Tax (Transitional Provisions) Act 1997*; and
- (b) does not give rise to an entitlement to a tax offset under that maximum tax rate provision.

friendly society has the same meaning as in the *Income Tax Assessment Act 1997*.

life insurance company has the same meaning as in the *Life Insurance Act 1995*.

low tax component has the same meaning as in the *Income Tax Assessment Act 1997*.

managed investment trust has the same meaning as in the *Income Tax Assessment Act 1997*.

maximum tax rate provision means any of the following provisions:

- (a) section 82-10 of the *Income Tax Assessment Act 1997*;
- (b) section 82-65 of the *Income Tax Assessment Act 1997*;
- (c) section 82-70 of the *Income Tax Assessment Act 1997*;
- (d) section 301-95 of the *Income Tax Assessment Act 1997*;
- (e) section 301-105 of the *Income Tax Assessment Act 1997*;
- (f) section 301-115 of the *Income Tax Assessment Act 1997*;
- (g) section 82-10A of the *Income Tax (Transitional Provisions) Act 1997*;
- (h) section 82-10C of the *Income Tax (Transitional Provisions) Act 1997*.

net income phase-out limit has the meaning given by subsection 14(3).

non-arm's length component has the same meaning as in the *Income Tax Assessment Act 1997*.

non-complying ADF means a fund that, at all times during the year of income when the fund is in existence, is an approved deposit fund within the meaning of the *Income Tax Assessment Act 1997*, but does not include a fund that is a complying ADF.

non-complying superannuation fund has the same meaning as in the *Income Tax Assessment Act 1997*.

non-profit company means:

- (a) a company that is not carried on for the purposes of profit or gain to its individual members and is, by the terms of the company's constituent document, prohibited from making any distribution, whether in money, property or otherwise, to its members; or
- (b) a friendly society dispensary.

Section 3

non-resident beneficiary, in relation to a year of income, means a beneficiary of a trust estate who is a prescribed non-resident in relation to that year of income.

non-resident phase-out limit has the meaning given by subsection 15(8).

non-resident taxpayer, in relation to a year of income, means a taxpayer who is a prescribed non-resident in relation to that year of income.

non-resident trust estate, in relation to a year of income, means a trust estate that is not a resident trust estate in relation to that year of income.

no-TFN contributions income has the same meaning as in the *Income Tax Assessment Act 1997*.

ordinary class of the taxable income of a life insurance company has the same meaning as in the *Income Tax Assessment Act 1997*.

ordinary taxable income means the taxable income, reduced by the superannuation remainder of the taxable income and by the employment termination remainder of the taxable income.

PDF (pooled development fund) has the same meaning as in the Assessment Act.

PDF component has the same meaning as in the Assessment Act.

pooled superannuation trust has the same meaning as in the *Income Tax Assessment Act 1997*.

prescribed non-resident, in relation to a year of income, means a person who, at all times during the year of income, is a non-resident, not being a person to whom, at any time during the year of income, compensation or a pension, allowance or benefit is payable under:

- (a) the *Veterans' Entitlements Act 1986*;
- (b) subsection 4(6) of the *Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986*; or

- (ba) the *Military Rehabilitation and Compensation Act 2004*; or
(c) the *Social Security Act 1991*;

being compensation or a pension, allowance or benefit in respect of which the person is liable to be assessed and to pay income tax in Australia.

prescribed unit trust, in relation to a year of income, means a trust estate that is a public trading trust in relation to the year of income.

public trading trust, in relation to a year of income, means a unit trust that is a public trading trust, within the meaning of Division 6C of Part III of the Assessment Act, in relation to the year of income.

reduced taxable income means the part (if any) of the taxable income other than the special income component.

resident beneficiary, in relation to a year of income, means a beneficiary of a trust estate who is not a prescribed non-resident in relation to that year of income.

resident phase-out limit has the meaning given by subsection 13(10).

resident taxpayer, in relation to a year of income, means a taxpayer who is not a prescribed non-resident in relation to that year of income.

resident trust estate, in relation to a year of income, means a trust estate that, under subsection 95(2) of the Assessment Act, is to be taken to be a resident trust estate in relation to that year of income.

RSA component has the same meaning as in the *Income Tax Assessment Act 1997*.

second resident personal tax rate means the rate mentioned in item 2 of the table in clause 1 of Part I of Schedule 7.

SME income component has the same meaning as in Subdivision B of Division 10E of Part III of the Assessment Act.

Section 3

special income component, in relation to a taxable income for which there is an abnormal income amount, means:

- (a) so much of the taxable income as does not exceed the abnormal income amount; or
- (b) if the sum (the **component sum**) of:
 - (i) the abnormal income amount; and
 - (ii) the superannuation remainder of the taxable income; and
 - (iii) the employment termination remainder of the taxable income;

is more than the taxable income—the abnormal income amount, reduced by the amount by which the component sum exceeds the taxable income.

standard component has the same meaning as in the *Income Tax Assessment Act 1997*.

superannuation remainder of taxable income means so much of the taxable income as:

- (a) is included in assessable income under a maximum tax rate provision in Division 301 of the *Income Tax Assessment Act 1997*; and
- (b) does not give rise to an entitlement to a tax offset under that maximum tax rate provision.

tax means income tax imposed as such by any Act other than income tax payable in accordance with section 121H, 126, 128B, 128N, 128NA, 128NB, 128T, 128V, 136A or 159C of the Assessment Act.

tax-free threshold means \$18,200.

tax offset has the same meaning as in the *Income Tax Assessment Act 1997*.

unregulated investment component has the same meaning as in Subdivision B of Division 10E of Part III of the Assessment Act.

working holiday maker has the meaning given by subsection 3A(1).

working holiday taxable income has the meaning given by subsections 3A(2) and (3).

- (2) In this Act:
- (a) a reference to net income, taxable income or reduced taxable income shall be read as a reference to net income, taxable income or reduced taxable income, as the case may be, of the year of income; and
 - (b) a reference to eligible taxable income for the purposes of Division 6AA of Part III of the Assessment Act shall be read as a reference to eligible taxable income of the year of income for the purposes of that Division.
- (3) A reference in this Act to the part to which Division 6AA of Part III of the Assessment Act applies of the share of a beneficiary of the net income of a trust estate shall, if that Division applies to the whole of such a share, be read as a reference to the whole of that share.

3A Working holiday makers and working holiday taxable income

- (1) An individual is a **working holiday maker** at a particular time if the individual holds at that time:
- (a) a Subclass 417 (Working Holiday) visa; or
 - (b) a Subclass 462 (Work and Holiday) visa; or
 - (c) a bridging visa permitting the individual to work in Australia if:
 - (i) the bridging visa was granted under the *Migration Act 1958* in relation to an application for a visa of a kind described in paragraph (a) or (b); and
 - (ii) the Minister administering that Act is still to make a decision in relation to the application; and
 - (iii) the most recent visa, other than a bridging visa, granted under that Act to the individual was a visa of a kind described in paragraph (a) or (b).

Section 4

- (2) An individual's *working holiday taxable income* for a year of income is the individual's assessable income for the year of income derived:
- (a) from sources in Australia; and
 - (b) while the individual is a working holiday maker;
- less so much of any amount the individual can deduct for the year of income as relates to that assessable income.
- (3) However, the individual's *working holiday taxable income* does not include any superannuation remainder, or employment termination remainder, of the individual's taxable income for the year of income.

4 Incorporation

The Assessment Act is incorporated, and shall be read as one, with this Act.

Part II—Rates of income tax payable upon incomes other than incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts

Division 1—Preliminary

5 Interpretation

In this Part, *tax* means:

- (a) tax payable by a natural person, other than:
 - (i) a person in the capacity of a trustee of an eligible superannuation fund; or
 - (ii) a person in the capacity of a trustee of a prescribed unit trust; or
 - (iii) a person in the capacity of a trustee of an eligible ADF; or
 - (iiia) a person in the capacity of a trustee of a pooled superannuation trust; or
 - (iv) a person in the capacity of a trustee of a trust estate, being a person who is liable to be assessed and to pay tax under paragraph 98(3)(b) or subsection 98(4) of the Assessment Act; or
 - (v) a person in the capacity of a trustee of an AMIT, being a person who is liable to be assessed and to pay tax under paragraph 276-105(2)(b) or (c) of the *Income Tax Assessment Act 1997*; or
- (b) tax payable by a company in the capacity of a trustee, other than:
 - (i) a company in the capacity of a trustee of an eligible superannuation fund; or
 - (ii) a company in the capacity of a trustee of a prescribed unit trust; or

Part II Rates of income tax payable upon incomes other than incomes of companies,
prescribed unit trusts, superannuation funds and certain other trusts

Division 1 Preliminary

Section 5

- (iii) a company in the capacity of a trustee of an eligible ADF; or
- (iiia) a company in the capacity of a trustee of a pooled superannuation trust; or
- (iv) a company in the capacity of a trustee of a trust estate, being a company that is liable to be assessed and to pay tax under paragraph 98(3)(b) or subsection 98(4) of the Assessment Act; or
- (v) a company in the capacity of a trustee of an AMIT, being a company that is liable to be assessed and to pay tax under paragraph 276-105(2)(b) or (c) of the *Income Tax Assessment Act 1997*.

Division 3—Rates of tax

Subdivision B—Rates of tax and notional rates

12 Rates of tax and notional rates

- (1) Except as otherwise provided by this Division, the rates of tax are as set out in Schedule 7.
- (2) The notional rates for the purposes of section 156 of the Assessment Act are as set out in Schedule 8.
- (4) For every dollar of so much of the net income of a trust estate as is equal to the deemed net income from primary production, the rate of complementary tax for the purposes of subsection 156(5A) of the Assessment Act is the amount ascertained by dividing the amount of the excess referred to in paragraph (b) of that subsection by the number of whole dollars in the eligible net income of the trust estate.
- (6) Subject to sections 13, 14 and 15, the rates of tax payable by a trustee under section 98 or 99 of the Assessment Act are as set out in Schedule 10.
- (6A) The rate of tax payable by a trustee under paragraph 276-105(2)(a) of the *Income Tax Assessment Act 1997* is as set out in Schedule 10A.
- (7) The rate of further tax payable by a person under subsection 94(9) of the Assessment Act is:
 - (a) in respect of the part of the taxable income of the person that is the relevant part of that taxable income for the purposes of subsections 94(10A) and (10B) of the Assessment Act—the amount (if any) per dollar ascertained in accordance with the formula $\frac{A - B}{C}$, where:

Part II Rates of income tax payable upon incomes other than incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts

Division 3 Rates of tax

Section 12

A is an amount equal to 45% of the taxable income of the person;

B is the amount of tax (if any) that, but for this subsection, sections 12A and 12B and any rebate, credit or other tax offset (as defined in the *Income Tax Assessment Act 1997*) to which the person is entitled, would be payable by the person in respect of the taxable income of the person; and

C is the number of whole dollars in the taxable income of the person; and

- (b) in respect of the part of the taxable income of the person that is the prescribed part of that taxable income for the purposes of subsection 94(10B) of the Assessment Act—the amount (if any) per dollar ascertained in accordance with the formula

$$\frac{A - B}{C}, \text{ where:}$$

A is an amount equal to 45% of the taxable income of the person;

B is the amount of tax (if any) that would be payable by the person on the person's taxable income if:

- (i) the comparison rate described in section 392-55 of the *Income Tax Assessment Act 1997* were the rate of tax payable by the person on that income; and
- (ii) this subsection and sections 12A and 12B did not apply; and
- (iii) the person were not entitled to any rebate, credit or other tax offset (as defined in the *Income Tax Assessment Act 1997*); and

C is the number of whole dollars in the taxable income of the person.

- (8) The rate of further tax payable by a trustee under subsection 94(11) or (12) of the Assessment Act is:

- (a) in respect of the part of the net income of the trust estate that is the relevant part of that net income for the purposes of subsections 94(12A) and (12B) of the Assessment Act—the

amount (if any) per dollar ascertained in accordance with the
formula $\frac{A - B}{C}$, where:

- A** is an amount equal to 45% of the net income of the trust estate in respect of which the trustee is liable to be assessed and to pay tax under section 98 or 99 of the Assessment Act;
- B** is the amount of tax (if any) that, but for this subsection, subsection (4) and any rebate, credit or other tax offset (as defined in the *Income Tax Assessment Act 1997*) to which the trustee is entitled, would be payable by the trustee in respect of that net income; and
- C** is the number of whole dollars in that net income; and
- (b) in respect of the part of the net income of the trust estate that is the prescribed part of that net income for the purposes of subsection 94(12B) of the Assessment Act—the amount (if any) per dollar ascertained in accordance with the formula

$\frac{A - B}{C}$, where:

- A** is an amount equal to 45% of the net income of the trust estate in respect of which the trustee is liable to be assessed and to pay tax under section 98 or 99 of the Assessment Act;
- B** is the amount of tax (if any) that, but for this subsection, subsection (4) and any rebate, credit or other tax offset (as defined in the *Income Tax Assessment Act 1997*) to which the trustee is entitled, would be payable by the trustee in respect of that net income if the notional rates declared by this Division for the purposes of section 156 of the Assessment Act were the rates of tax payable by the trustee in respect of that net income; and
- C** is the number of whole dollars in that net income.

- (9) The rate of tax payable by a trustee in respect of the net income of a trust estate in respect of which the trustee is liable, under

Part II Rates of income tax payable upon incomes other than incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts

Division 3 Rates of tax

Section 12A

section 99A of the Assessment Act, to be assessed and to pay tax is 45%.

- (10) The rate of tax payable by a trustee of a managed investment trust under subsection 275-605(2) of the *Income Tax Assessment Act 1997* is 30%.
- (11) The rate of tax payable by a trustee of an AMIT under subsection 276-405(2) of the *Income Tax Assessment Act 1997* is 45%.
- (12) The rate of tax payable by a trustee of an AMIT under subsection 276-415(2) of the *Income Tax Assessment Act 1997* is 45%.
- (13) The rate of tax payable by a trustee of an AMIT under subsection 276-420(2) of the *Income Tax Assessment Act 1997* is 45%.

12A Rate of extra income tax for primary producers

- (1) This section sets the rate of extra income tax payable under subsection 392-35(3) of the *Income Tax Assessment Act 1997* on every dollar of a taxpayer's averaging component for a year of income.
- (2) The rate is worked out using the formula:

$$\frac{\text{Averaging adjustment}}{\text{Averaging component}}$$

Rate if taxable income is less than tax-free threshold adjusted by family tax assistance

- (6) In this section:

averaging adjustment means the taxpayer's smoothing adjustment, worked out for the year of income under section 392-75 of the *Income Tax Assessment Act 1997*.

averaging component means the taxpayer's averaging component in whole dollars, worked out for the year of income under Subdivision 392-C of the *Income Tax Assessment Act 1997*.

12B Rate of extra income tax for recouplements for R&D activities

The rate of extra income tax payable by a taxpayer under Subdivision 355-G (about government R&D recouplements) of the *Income Tax Assessment Act 1997* for a year of income is 10%.

Subdivision C—Resident taxpayers, resident beneficiaries and resident trust estates

13 Rates of tax where Division 6AA of Part III of the Assessment Act applies

- (1) The rates of tax in respect of the taxable income of a resident taxpayer:
 - (a) who is a prescribed person in relation to the year of income for the purposes of Division 6AA of Part III of the Assessment Act; and
 - (b) who has, for the purposes of that Division, an eligible taxable income of an amount exceeding \$416;are as set out in Part I of Schedule 11.
- (2) Where the eligible taxable income of a resident taxpayer for the purposes of Division 6AA of Part III of the Assessment Act exceeds \$416 but does not exceed the resident phase-out limit, the amount of tax payable under subsection (1) in respect of that eligible taxable income shall not exceed:
 - (a) 66% of the amount by which that eligible taxable income exceeds \$416; or
 - (b) the amount ascertained by deducting from the amount of tax that would be payable by the taxpayer if the rates set out in Part I of Schedule 7 were applied to the taxable income of the taxpayer the amount of tax that would be payable by the taxpayer if those rates were applied to the taxable income of

Part II Rates of income tax payable upon incomes other than incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts

Division 3 Rates of tax

Section 13

the taxpayer reduced by the amount of that eligible taxable income;

whichever is the greater.

(3) Where:

- (a) a trustee of a trust estate is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of the share of a resident beneficiary of the net income of the trust estate;
- (b) Division 6AA of Part III of the Assessment Act applies to a part of that share; and
- (c) the part of that share to which that Division applies exceeds \$416;

the rates of tax payable by the trustee in respect of that share of the net income of the trust estate are as set out in Part I of Schedule 12.

(4) Where:

- (a) a trustee of a trust estate is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of the share of a resident beneficiary of the net income of the trust estate;
- (b) Division 6AA of Part III of the Assessment Act applies to a part of that share;
- (c) the part of that share to which that Division applies does not exceed \$416;
- (d) Division 6AA of Part III of the Assessment Act also applies to a part of the share of the beneficiary of the net income of another trust estate or to parts of the shares of the beneficiary of the net incomes of other trust estates; and
- (e) the sum of the part referred to in paragraph (b) and the part or parts referred to in paragraph (d) exceeds \$416;

the trustee of the trust estate referred to in paragraph (a) is liable to pay tax in respect of the share of the net income of the trust estate referred to in that paragraph at the rates set out in Part I of Schedule 12.

(5) Where:

- (a) the amount of tax that a trustee of a trust estate is liable to pay in respect of the share of a resident beneficiary of the net income of the trust estate is, by virtue of subsection (4), to be calculated in accordance with Part I of Schedule 12; and
- (b) the sum of:
 - (i) the part of that share to which Division 6AA of Part III of the Assessment Act applies; and
 - (ii) the part of the share of the beneficiary of the net income of the other trust estate or the parts of the shares of the beneficiary of the net incomes of the other trust estates, as the case may be, to which that Division applies;

does not exceed the resident phase-out limit;

the tax that, apart from this subsection, would be payable by the trustee in respect of the share referred to in paragraph (a) shall be reduced by such amount (if any) as, in the opinion of the Commissioner, is fair and reasonable.

(6) Subject to subsection (7), where:

- (a) the trustee of a trust estate is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of the share of a resident beneficiary of the net income of the trust estate;
- (b) Division 6AA of Part III of the Assessment Act applies to a part (in this subsection referred to as the *eligible part*) of that share; and
- (c) the eligible part of that share exceeds \$416 but does not exceed the resident phase-out limit;

the amount of tax payable under subsection (3) in respect of the eligible part of that share shall not exceed:

- (d) 66% of the amount by which the eligible part of that share exceeds \$416; or
- (e) the amount ascertained by deducting from the amount of tax that would be payable by the trustee if the rates referred to in Part I of Schedule 10 were applied to that share of that net income the amount of tax that would be payable by the

Section 13

trustee if those rates were applied to that share of that net income reduced by the amount of the eligible part of that share;

whichever is the greater.

- (7) Subsection (6) does not apply in relation to the share of a beneficiary of the net income of a trust estate if Division 6AA of Part III of the Assessment Act applies to a part of a share of the beneficiary of the net income of another trust estate or to parts of the shares of the beneficiary of the net incomes of other trust estates.
- (8) Where:
- (a) by reason of the application of subsection (7), subsection (6) does not apply in relation to the share of a beneficiary of the net income of a trust estate in respect of which a trustee is liable to be assessed and to pay tax under section 98 of the Assessment Act; and
 - (b) the sum of:
 - (i) the part of that share to which Division 6AA of Part III of the Assessment Act applies; and
 - (ii) the part of the share of the beneficiary of the net income of the other trust estate or the parts of the shares of the beneficiary of the net incomes of the other trust estates, as the case may be, to which that Division applies;does not exceed the resident phase-out limit;
- the tax that, apart from this subsection, would be payable by the trustee in respect of the share referred to in paragraph (a) shall be reduced by such amount (if any) as, in the opinion of the Commissioner, is fair and reasonable.
- (9) In forming an opinion for the purposes of subsection (5) or (8) (in this subsection referred to as the **relevant subsection**) in relation to the share of a beneficiary of the net income of a trust estate of a year of income, the Commissioner shall have regard to:
- (a) any limitation that would be applicable under subsection (6) on the amount of tax that would be payable by a trustee in

Section 14

accordance with Part I of Schedule 12 in respect of a share of the net income of a trust estate of the year of income of an amount equal to the sum of the shares referred to in paragraph (b) of the relevant subsection if:

- (i) Division 6AA of Part III of the Assessment Act applied to so much of that share as is equal to the sum of the parts of the shares referred to in paragraph (b) of the relevant subsection; and
 - (ii) that share were a share of a resident beneficiary who is not presently entitled to a share of the income of the year of income of any other trust estate;
- (b) the amount of any reduction previously granted by the Commissioner under subsection (5) or (8) in relation to the share of the beneficiary of the net income of the year of income of any other trust estate; and
- (c) such other matters (if any) as the Commissioner thinks fit.
- (10) The **resident phase-out limit** is the following amount rounded down to the nearest dollar:

$$\frac{\$416 \times 66\%}{66\% - \frac{\text{Highest rate in the table in Part I of Schedule 7}}{100}}$$

14 Limitation on tax payable by certain trustees

- (1) Where:
- (a) the trustee of a resident trust estate is liable to be assessed and to pay tax under section 99 of the Assessment Act in respect of the net income or a part of the net income of the trust estate;
 - (b) in the case of a trust estate of a deceased person, the deceased person died not less than 3 years before the end of the year of income; and
 - (c) that net income or that part of the net income of the trust estate does not exceed \$416;

Part II Rates of income tax payable upon incomes other than incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts

Division 3 Rates of tax

Section 15

no tax is payable under subsection 12(6) in respect of that net income or that part of the net income, as the case may be.

(2) Where:

- (a) the trustee of a resident trust estate is liable to be assessed and to pay tax under section 99 of the Assessment Act in respect of the net income or a part of the net income of the trust estate;
- (b) in the case of a trust estate of a deceased person, the deceased person died not less than 3 years before the end of the year of income; and
- (c) that net income or that part of the net income of the trust estate exceeds \$416 but does not exceed the net income phase-out limit;

the amount of tax payable by the trustee under subsection 12(6) in respect of that net income or that part of the net income shall not exceed 50% of the amount by which that net income or that part of the net income, as the case may be, exceeds \$416, less any rebate or credit to which the trustee is entitled.

(3) The *net income phase-out limit* is the following amount rounded down to the nearest dollar:

$$50\% - \frac{\$416 \times 50\%}{\text{Lowest rate in the table in Part I of Schedule 7}}$$

Subdivision D—Non-resident taxpayers, non-resident beneficiaries and non-resident trust estates

15 Rates of tax where Division 6AA of Part III of the Assessment Act applies

(1) The rates of tax in respect of the taxable income of a non-resident taxpayer:

Section 15

- (a) who is a prescribed person in relation to the year of income for the purposes of Division 6AA of Part III of the Assessment Act; and
 - (b) who has, for the purposes of that Division, an eligible taxable income;
- are as set out in Part II of Schedule 11.
- (2) Where the eligible taxable income of a non-resident taxpayer for the purposes of Division 6AA of Part III of the Assessment Act:
- (a) does not exceed \$416—the amount of tax payable under subsection (1) in respect of that eligible taxable income shall not exceed:
 - (i) the amount ascertained by applying the second resident personal tax rate to that eligible taxable income; or
 - (ii) the amount ascertained by deducting from the amount of tax that would be payable by the taxpayer if the rates set out in Part II of Schedule 7 were applied to the taxable income of the taxpayer the amount of tax that would be payable by the taxpayer if those rates were applied to the taxable income of the taxpayer reduced by the amount of that eligible taxable income;whichever is the greater; or
 - (b) exceeds \$416 but does not exceed the non-resident phase-out limit—the amount of tax payable under subsection (1) in respect of that eligible taxable income shall not exceed:
 - (i) the amount ascertained by applying the second resident personal tax rate to \$416, and then adding 66% of the amount by which that eligible taxable income exceeds \$416; or
 - (ii) the amount ascertained by deducting from the amount of tax that would be payable by the taxpayer if the rates set out in Part II of Schedule 7 were applied to the taxable income of the taxpayer the amount of tax that would be payable by the taxpayer if those rates were applied to the taxable income of the taxpayer reduced by the amount of that eligible taxable income;

Section 15

whichever is the greater.

(3) Where:

- (a) a trustee of a trust estate is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of the share of a non-resident beneficiary of the net income of the trust estate; and
- (b) Division 6AA of Part III of the Assessment Act applies to a part of that share;

the rates of tax payable by the trustee in respect of that share of the net income of the trust estate are as set out in Part II of Schedule 12.

(4) Subject to subsection (5), where:

- (a) the trustee of a trust estate is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of the share of a non-resident beneficiary of the net income of the trust estate; and
- (b) Division 6AA of Part III of the Assessment Act applies to a part (in this subsection referred to as the *eligible part*) of that share;

the amount of tax payable under subsection (3) in respect of the eligible part of that share shall not exceed:

- (c) where the eligible part of that share does not exceed \$416:
 - (i) the amount ascertained by applying the second resident personal tax rate to the amount of the eligible part of that share; or
 - (ii) the amount ascertained by deducting from the amount of tax that would be payable by the trustee if the rates referred to in Part II of Schedule 10 were applied to that share of that net income the amount of tax that would be payable by the trustee if those rates were applied to that share of that net income reduced by the amount of the eligible part of that share;

whichever is the greater; or

- (d) where the eligible part of that share exceeds \$416 but does not exceed the non-resident phase-out limit:

Section 15

- (i) the amount ascertained by applying the second resident personal tax rate to \$416, and then adding 66% of the amount by which the eligible part of that share exceeds \$416; or
 - (ii) the amount ascertained by deducting from the amount of tax that would be payable by the trustee if the rates referred to in Part II of Schedule 10 were applied to that share of that net income the amount of tax that would be payable by the trustee if those rates were applied to that share of that net income reduced by the amount of the eligible part of that share;
- whichever is the greater.
- (5) Subsection (4) does not apply in relation to the share of a beneficiary of the net income of a trust estate if Division 6AA of Part III of the Assessment Act applies to a part of a share of the beneficiary of the net income of another trust estate or to parts of the shares of the beneficiary of the net incomes of other trust estates.
- (6) Where:
- (a) by reason of the application of subsection (5), subsection (4) does not apply in relation to the share of a beneficiary of the net income of a trust estate in respect of which a trustee is liable to be assessed and to pay tax under section 98 of the Assessment Act; and
 - (b) the sum of:
 - (i) the part of that share to which Division 6AA of Part III of the Assessment Act applies; and
 - (ii) the part of the share of the beneficiary of the net income of the other trust estate or the parts of the shares of the beneficiary of the net incomes of the other trust estates, as the case may be, to which that Division applies;does not exceed the non-resident phase-out limit;
- the tax that, apart from this subsection, would be payable by the trustee in respect of the share referred to in paragraph (a) shall be

Part II Rates of income tax payable upon incomes other than incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts

Division 3 Rates of tax

Section 15

reduced by such amount (if any) as, in the opinion of the Commissioner, is fair and reasonable.

- (7) In forming an opinion for the purposes of subsection (6) in relation to the share of a beneficiary of the net income of a trust estate of a year of income, the Commissioner shall have regard to:
- (a) any limitation that would be applicable under subsection (4) on the amount of tax that would be payable by a trustee in accordance with Part II of Schedule 12 in respect of a share of the net income of a trust estate of the year of income of an amount equal to the sum of the shares referred to in paragraph (6)(b) if:
 - (i) Division 6AA of Part III of the Assessment Act applied to so much of that share as is equal to the sum of the parts of the shares referred to in paragraph (6)(b); and
 - (ii) that share were a share of a non-resident beneficiary who is not presently entitled to a share of the income of the year of income of any other trust estate;
 - (b) the amount of any reduction previously granted by the Commissioner under subsection (6) in relation to the share of the beneficiary of the net income of the year of income of any other trust estate; and
 - (c) such other matters (if any) as the Commissioner thinks fit.
- (8) The *non-resident phase-out limit* is the following amount rounded down to the nearest dollar:

$$\frac{\$416 \times \left(66\% - \text{Lowest rate in the table in Part II of Schedule 7} \right)}{66\% - \text{Highest rate in the table in Part II of Schedule 7}}$$

Division 4—Pro-rating of the tax-free threshold

16 Interpretation

In this Division:

beneficiary, in relation to a trust estate, includes a person who is capable (whether by the exercise of a power of appointment or otherwise) of benefiting under the trust.

eligible pensioner, in relation to a year of income, means a person to whom, at any time during the year of income, compensation or a pension, allowance or benefit is payable under:

- (a) the *Veterans' Entitlements Act 1986*;
- (b) subsection 4(6) of the *Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986*; or
- (ba) the *Military Rehabilitation and Compensation Act 2004*; or
- (c) a provision of the *Social Security Act 1991* other than Part 2.11, 2.12, 2.14, 2.15 or 3.15A of that Act;

being compensation or a pension, allowance or benefit in respect of which the person is liable to be assessed and to pay income tax in Australia.

18 Part-year residency period

- (1) Subject to subsection (2), the following periods are part-year residency periods in relation to a person in relation to a year of income:
 - (a) where the person was a resident at the beginning of the first month of the year of income and continued to be a resident until a time during a subsequent month in the year of income when the person ceased to be a resident—the period from the beginning of the year of income until the end of that subsequent month;
 - (b) where the person commenced to be a resident during a month of the year of income and continued to be a resident until the

Part II Rates of income tax payable upon incomes other than incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts

Division 4 Pro-rating of the tax-free threshold

Section 20

end of the year of income—the period from the beginning of that month until the end of the year of income;

- (c) where the person commenced to be a resident during a month of the year of income and continued to be a resident until a time during a subsequent month of the year of income when the person ceased to be a resident—the period from the beginning of that first-mentioned month until the end of that subsequent month.
- (2) A period shall not be taken to be a part-year residency period in relation to a person in relation to a year of income if:
- (a) the person is an eligible pensioner in relation to the year of income; or
 - (b) the period is the whole of the year of income.

20 Pro-rating of the tax-free threshold

Part-year residency periods

- (1) This Act applies in relation to a person and a year of income as if the reference in the table in Part I of Schedule 7 to the tax-free threshold were a reference to the amount calculated in accordance with the following formula, if there are one or more part-year residency periods in relation to the person in relation to the year of income:

$$\left(\begin{array}{c} \text{The tax-free} \\ \text{threshold} \end{array} - \$4,736 \right) + \left(\$4,736 \times \frac{\begin{array}{c} \text{Number of months in the year} \\ \text{of income during which there} \\ \text{is a part-year residency period} \\ \text{in relation to the person} \\ \text{and the year of income} \end{array}}{12} \right)$$

Trustees

- (1A) Subsection (1) does not apply in calculating the tax payable by the trustee of a trust estate under section 98 of the Assessment Act in respect of a share of a beneficiary of the net income of the trust estate of a year of income.
- (2) However, this Act applies in calculating the tax payable by the trustee in respect of that share as if the reference in the table in Part I of Schedule 7 to the tax-free threshold were a reference to the amount calculated in accordance with the following formula, if there are one or more part-year residency periods in relation to the beneficiary in relation to the year of income:

$$\left(\begin{array}{c} \text{The tax-free} \\ \text{threshold} \end{array} - \$4,736 \right) + \left(\$4,736 \times \frac{\begin{array}{c} \text{Number of months in the year} \\ \text{of income when a part-year} \\ \text{residency period, or} \\ \text{part-year residency periods,} \\ \text{in relation to the beneficiary} \\ \text{in relation to the year} \\ \text{of income subsisted} \end{array}}{12} \right)$$

- (3) Subsection (1) does not apply in calculating the tax payable by the trustee of a trust estate under section 99 of the Assessment Act.

Section 21

Part III—Rates of income tax payable upon incomes of companies, prescribed unit trusts, superannuation funds and certain other trusts

21 Interpretation

In this Part, *tax* does not include tax within the meaning of Part II.

23 Rates of tax payable by companies

(1A) This section has effect subject to section 23A.

- (1) The rates of tax payable by a company, other than a company in the capacity of a trustee, are as set out in the following provisions of this section.
- (2) The rate of tax in respect of the taxable income of a company is:
 - (a) if the company is a base rate entity for a year of income—27.5%; or
 - (b) otherwise—30%;if subsections (3) to (5) and section 23A do not apply to the company.
- (3) The rates of tax in respect of the taxable income of a company (other than a life insurance company) that is an RSA provider are:
 - (a) in respect of the RSA component—15%; and
 - (b) in respect of the standard component:
 - (i) if the company is a base rate entity for a year of income—27.5%; or
 - (ii) otherwise—30%.

- (4) The rates of tax in respect of the taxable income of a company that becomes a PDF during a year of income and is still a PDF at the end of the year of income are:
- (a) in respect of the SME income component—15%; and
 - (b) in respect of the unregulated investment component—25%; and
 - (c) in respect of so much of the taxable income as exceeds the PDF component:
 - (i) if the company is a base rate entity for a year of income—27.5%; or
 - (ii) otherwise—30%.
- (5) The rates of tax in respect of the taxable income of a company that is a PDF throughout the year of income are:
- (a) in respect of the SME income component—15%; and
 - (b) in respect of the unregulated investment component—25%.
- (6) The amount of tax payable by a company (before applying any rebate, credit or other tax offset (within the meaning of the *Income Tax Assessment Act 1997*)) must not be greater than 55% of the amount (if any) by which the taxable income of the company exceeds \$416, if:
- (a) the company is a non-profit company; and
 - (b) the taxable income is not greater than:
 - (i) if the company is a base rate entity for a year of income—\$832; or
 - (ii) otherwise—\$915.
- (7) The amount of tax payable by a company (before applying any rebate, credit or other tax offset (within the meaning of the *Income Tax Assessment Act 1997*)) must not be greater than:
- (a) if the company is a base rate entity for a year of income—41.25%; or
 - (b) otherwise—45%;

Section 23AA

of the amount by which the taxable income of the company exceeds \$49,999, if the company is a recognised medium credit union in relation to the year of income.

23AA Meaning of *base rate entity*

An entity is a ***base rate entity*** for a year of income if:

- (a) it carries on a business (within the meaning of the *Income Tax Assessment Act 1997*) in the year of income; and
- (b) its aggregated turnover (within the meaning of that Act) for the year of income, worked out as at the end of that year, is less than \$25 million.

23A Rates of tax payable by life insurance companies

The rates of tax in respect of the taxable income of a life insurance company are:

- (a) in respect of the ordinary class—30%; and
- (b) in respect of the complying superannuation class—15%.

25 Rate of tax payable by trustees of public trading trusts

The rate of tax payable by a trustee of a public trading trust in respect of the net income of the public trading trust in respect of which the trustee is liable, under section 102S of the Assessment Act, to be assessed and to pay tax is:

- (a) if the trust is a base rate entity for a year of income—27.5%;
or
- (b) otherwise—30%.

26 Rates of tax payable by trustees of superannuation funds

- (1) The rates of tax payable by a trustee of a complying superannuation fund in respect of the taxable income of the fund are:
 - (a) in respect of the low tax component—15%; and
 - (b) in respect of the non-arm's length component—45%.

- (2) The rate of tax payable by a trustee of a non-complying superannuation fund in respect of the taxable income of the fund is 45%.

27 Rates of tax payable by trustees of approved deposit funds

- (1) The rates of tax payable by a trustee of a complying ADF in respect of the taxable income of the fund are:
- (a) in respect of the low tax component—15%; and
 - (b) in respect of the non-arm's length component—45%.
- (2) The rate of tax payable by a trustee of a non-complying ADF in respect of the taxable income of the fund is 45%.

27A Rates of tax payable by trustees of pooled superannuation trusts

The rates of tax payable by a trustee of a pooled superannuation trust in respect of the taxable income of the trust are:

- (a) in respect of the low tax component—15%; and
- (b) in respect of the non-arm's length component—45%.

28 Rates of tax payable by certain trustees to whom section 98 of the Assessment Act applies

The rates of tax payable by a trustee of a trust estate in respect of a share of the net income of the trust estate in respect of which the trustee is liable to be assessed and to pay tax are:

- (a) if paragraph 98(3)(b) of the Assessment Act (about beneficiaries that are companies) applies:
 - (i) if the beneficiary is a company to which paragraph 23(2)(a) of this Act applies—the rate specified in paragraph 23(2)(a); or
 - (ii) otherwise—the rate specified in paragraph 23(2)(b); and
- (b) if subsection 98(4) of the Assessment Act applies—the maximum rate specified in column 3 of the table in Part II of Schedule 7 to this Act that applies for the year of income.

Section 28A

Note: If paragraph 98(3)(a) of the Assessment Act applies, see subsection 12(6).

28A Rates of tax payable by trustees of AMITs under paragraph 276-105(2)(b) or (c) of the *Income Tax Assessment Act 1997*

The rates of tax payable by a trustee of an AMIT under paragraph 276-105(2)(b) or (c) of the *Income Tax Assessment Act 1997* are:

- (a) if paragraph 276-105(2)(b) of the *Income Tax Assessment Act 1997* applies—the rate specified in paragraph 23(2)(b) of this Act; and
- (b) if paragraph 276-105(2)(c) of that Act applies—the maximum rate specified in column 3 of the table in Part II of Schedule 7 to this Act that applies for the year of income.

Note: If paragraph 276-105(2)(a) of the *Income Tax Assessment Act 1997* applies, see subsection 12(6A).

29 Rate of tax on no-TFN contributions income

- (1) This section sets the rate of tax payable:
 - (a) by a trustee of a complying superannuation fund in respect of the no-TFN contributions income of the fund; and
 - (b) by a trustee of a non-complying superannuation fund in respect of the no-TFN contributions income of the fund; and
 - (c) by a company that is an RSA provider in respect of no-TFN contributions income.
- (2) The rate of tax is worked out in the following way:
 - (a) first, work out the maximum rate specified in column 3 of the table in Part I of Schedule 7 to this Act that applies for the year of income;
 - (b) next, add 2%;
 - (c) next, subtract the rate of tax:
 - (i) for a trustee of a complying superannuation fund—set out in paragraph 26(1)(a); or

- (ii) for a trustee of a non-complying superannuation fund—
set out in subsection 26(2); or
- (iii) for a company (other than a life insurance company)
that is an RSA provider—set out in paragraph 23(3)(a);
or
- (iv) for a life insurance company that is an RSA provider—
set out in paragraph 23A(b).

31 Rate of extra income tax for recoupments for R&D activities

The rate of extra income tax payable under Subdivision 355-G
(about government R&D recoupments) of the *Income Tax
Assessment Act 1997* for a year of income is 10%.

Part IV—Temporary budget repair levy

32 Interpretation

In this Part:

temporary budget repair levy year means a year of income corresponding to a temporary budget repair levy year (within the meaning of section 4-11 of the *Income Tax (Transitional Provisions) Act 1997*).

33 Application

This Part applies in relation to the temporary budget repair levy years.

34 Extra income tax for temporary budget repair levy

The rate of extra income tax payable as mentioned in section 4-11 of the *Income Tax (Transitional Provisions) Act 1997* (temporary budget repair levy) for a financial year on a taxpayer's taxable income for the corresponding year of income is the rate applicable under the table.

Rate of temporary budget repair levy		
Item	Column 1 For the part of the taxable income of the taxpayer that:	Column 2 The rate is:
1	exceeds \$180,000	2%

35 Temporary budget repair levy for other income tax rates*References to 45%*

- (1) The provisions of this Act set out in column 1 of the table apply as if each reference in the provision to 45% was increased by 2 percentage points.

Provisions containing references to 45%		
Item	Column 1 Provision	Column 2 Topic of provision
1	Subsection 12(7)	Rate for subsection 94(9) of the Assessment Act
2	Subsection 12(8)	Rate for subsections 94(11) and (12) of the Assessment Act
3	Subsection 12(9)	Rate for section 99A of the Assessment Act
3A	Subsection 12(11)	Rate for subsection 276-405(2) of the <i>Income Tax Assessment Act 1997</i>
3B	Subsection 12(12)	Rate for subsection 276-415(2) of the <i>Income Tax Assessment Act 1997</i>
3C	Subsection 12(13)	Rate for subsection 276-420(2) of the <i>Income Tax Assessment Act 1997</i>
4	Paragraph 26(1)(b)	Rate for superannuation funds with non-arm's length component
5	Subsection 26(2)	Rate for non-complying superannuation funds
6	Paragraph 27(1)(b)	Rate for complying ADFs with non-arm's length component
7	Subsection 27(2)	Rate for non-complying ADFs
8	Subsection 27A(b)	Rate for pooled superannuation trusts with non-arm's length component

Note: Some provisions, such as the Schedules, are excluded from this list so as not to duplicate the operation of the levy.

Section 36

References to maximum rate

- (2) The following provisions of this Act apply as if the maximum rate specified as mentioned in the provision was increased by 2 percentage points:
- (a) paragraph 28(b) (rate for subsection 98(4) of the Assessment Act);
 - (aa) paragraph 28A(b) (rate for paragraph 276-105(2)(c) of the *Income Tax Assessment Act 1997*);
 - (b) paragraph 29(2)(a) (rate for no-TFN contributions income).

Note: This subsection does not cover references to the “highest rate” in subsection 13(1) and 15(8), which are about phase-out limits.

36 Rate where Division 6AA of Part III of the Assessment Act applies

- (1) This section applies in respect of the following amounts:
- (a) so much of the eligible taxable income of a resident taxpayer who is a prescribed person for the purposes of Division 6AA of Part III of the Assessment Act as exceeds \$416 but does not exceed \$180,000;
 - (b) so much of the eligible taxable income of a non-resident taxpayer who is a prescribed person for the purposes of that Division as does not exceed \$180,000;
 - (c) so much of a share of the net income of a trust estate in respect of which the trustee is liable to be assessed and to pay tax as:
 - (i) is a share to which that Division applies; and
 - (ii) does not exceed \$180,000.
- (2) Increase by 2 percentage points the rate of tax that would, apart from this section, apply to the amount.

37 Operation of this Part

Nothing in the provisions of this Act (other than this Part) limits the operation of this Part.

Note: This reflects the fact that temporary budget repair levy is extra income tax.

Schedule 7—General rates of tax

Subsection 12(1)

Part I—Resident taxpayers

1. Subject to clauses 2, 3 and 4, the rates of tax on the taxable income of a resident taxpayer are as follows:
 - (a) 45% for the superannuation remainder (if any) of the taxable income;
 - (aa) 45% for the employment termination remainder (if any) of the taxable income;
 - (b) for each part of the ordinary taxable income specified in the table—the rate applicable under the table.

Tax rates for resident taxpayers		
Item	For the part of the ordinary taxable income of the taxpayer that:	The rate is:
1	exceeds the tax-free threshold but does not exceed \$37,000	19%
2	exceeds \$37,000 but does not exceed \$87,000	32.5%
3	exceeds \$87,000 but does not exceed \$180,000	37%
4	exceeds \$180,000	45%

2. Where:
 - (a) the taxable income of a resident taxpayer consists of or includes a special income component; and
 - (b) Division 16 of Part III of the Assessment Act does not apply to the income of the taxpayer; and
 - (c) Division 392 (Long-term averaging of primary producers' tax liability) of the *Income Tax Assessment Act 1997* does not apply to the taxpayer's assessment;the rate of tax for every \$1 of the taxable income is the amount ascertained in accordance with the formula $\frac{A + B}{C}$, where:

A is the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the reduced taxable income;

B is 5 times the difference between:

- (c) the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the sum of:
 - (i) the reduced taxable income; and
 - (ii) 20% of the special income component of the taxable income; and
- (d) the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the reduced taxable income; and

C is the number of whole dollars in the taxable income.

In applying the formula, component **B** is to be worked out on the assumption that the whole of the taxable income is ordinary taxable income.

3. Where:

- (a) the taxable income of a resident taxpayer consists of or includes a special income component; and
- (b) Division 16 of Part III of the Assessment Act applies to the income of the taxpayer or Division 392 (Long-term averaging of primary producers' tax liability) of the *Income Tax Assessment Act 1997* applies to the taxpayer's assessment;

the rate of tax for every \$1 of the taxable income is the amount

ascertained in accordance with the formula $\frac{A + B}{C}$, where:

A is the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the reduced taxable income;

B is 5 times the difference between:

- (c) the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the sum of:
 - (i) the average income; and
 - (ii) 20% of the special income component of the taxable income; and

Schedule 7 General rates of tax

Part I Resident taxpayers

- (d) the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the average income; and

C is the number of whole dollars in the taxable income.

In applying the formula, component **B** is to be worked out on the assumption that the whole of the taxable income is ordinary taxable income.

- 4. If the resident taxpayer is a working holiday maker at any time during the year of income:
 - (a) count the taxpayer's working holiday taxable income for the year of income as the first parts (starting from \$0) of the taxpayer's ordinary taxable income for the purposes of the table in clause 1; and
 - (b) do not apply the rates in that table to that working holiday taxable income; and
 - (c) do not count that working holiday taxable income when working out the taxpayer's taxable income for the purposes of clause 2 or 3.

Note: The rates for the taxpayer's working holiday taxable income for the year of income are set out in Part III.

Part II—Non-resident taxpayers

1. Subject to clauses 2, 3 and 4, the rates of tax on the taxable income of a non-resident taxpayer are as follows:
 - (a) 45% for the superannuation remainder (if any) of the taxable income;
 - (aa) 45% for the employment termination remainder (if any) of the taxable income;
 - (b) for each part of the ordinary taxable income specified in the table—the rate applicable under the table.

Tax rates for non-resident taxpayers		
Item	For the part of the ordinary taxable income of the taxpayer that:	The rate is:
1	does not exceed \$87,000	The second resident personal tax rate
2	exceeds \$87,000 but does not exceed \$180,000	37%
3	exceeds \$180,000	45%

2. Where:
 - (a) the taxable income of a non-resident taxpayer consists of or includes a special income component; and
 - (b) Division 16 of Part III of the Assessment Act does not apply to the income of the taxpayer; and
 - (c) Division 392 (Long-term averaging of primary producers' tax liability) of the *Income Tax Assessment Act 1997* does not apply to the taxpayer's assessment;
 the rate of tax for every \$1 of the taxable income is the amount ascertained in accordance with the formula $\frac{A + B}{C}$, where:
 - A** is the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the reduced taxable income;
 - B** is 5 times the difference between:

- (c) the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the sum of:
 - (i) the reduced taxable income; and
 - (ii) 20% of the special income component of the taxable income; and
- (d) the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the reduced taxable income; and

C is the number of whole dollars in the taxable income.

In applying the formula, component **B** is to be worked out on the assumption that the whole of the taxable income is ordinary taxable income.

3. Where:

- (a) the taxable income of a non-resident taxpayer consists of or includes a special income component; and
- (b) Division 16 of Part III of the Assessment Act applies to the income of the taxpayer or Division 392 (Long-term averaging of primary producers' tax liability) of the *Income Tax Assessment Act 1997* applies to the taxpayer's assessment;

the rate of tax for every \$1 of the taxable income is the amount

ascertained in accordance with the formula $\frac{A + B}{C}$, where:

A is the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the reduced taxable income;

B is 5 times the difference between:

- (c) the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the sum of:
 - (i) the average income; and
 - (ii) 20% of the special income component of the taxable income; and
- (d) the amount of tax that would be payable by the taxpayer under clause 1 on a taxable income equal to the average income; and

C is the number of whole dollars in the taxable income.

In applying the formula, component **B** is to be worked out on the assumption that the whole of the taxable income is ordinary taxable income.

4. If the non-resident taxpayer is a working holiday maker at any time during the year of income:
- (a) count the taxpayer's working holiday taxable income for the year of income as the first parts (starting from \$0) of the taxpayer's ordinary taxable income for the purposes of the table in clause 1; and
 - (b) do not apply the rates in that table to that working holiday taxable income; and
 - (c) do not count that working holiday taxable income when working out the taxpayer's taxable income for the purposes of clause 2 or 3.

Note: The rates for the taxpayer's working holiday taxable income for the year of income are set out in Part III.

Example: Rosie earns a \$60,000 salary while a working holiday maker from 1 July 2017 to 31 March 2018. She also earns \$29,000 while holding a different class of visa from 1 April 2018 to 30 June 2018.

The \$60,000 salary is Rosie's working holiday taxable income and is the first part of her ordinary taxable income. Under Part III, she pays tax at the rate of 15% on \$37,000 of that salary, and tax at the rate of 32.5% on the remaining \$23,000 of that salary.

The \$29,000 income makes up the remaining parts of Rosie's ordinary taxable income. Under clause 1 of this Part, she pays tax at the rate of 32.5% on \$27,000 of that income, and tax at the rate of 37% on the remaining \$2,000 of that income.

Part III—Working holiday makers

1. The rates of tax on a taxpayer's working holiday taxable income for a year of income are as set out in the following table.

Tax rates for working holiday makers		
Item	For the part of the taxpayer's working holiday taxable income that:	The rate is:
1	does not exceed \$37,000	15%
2	exceeds \$37,000 but does not exceed \$87,000	32.5%
3	exceeds \$87,000 but does not exceed \$180,000	37%
4	exceeds \$180,000	45%

Schedule 8—Notional rates for the purposes of section 156 of the Assessment Act

Subsection 12(2)

Part I—Resident taxpayers, resident beneficiaries and resident trust estates

Division 1—Normal notional rate

1. This Division applies to the income of a resident taxpayer, other than income in respect of which a trustee is liable to be assessed and to pay tax under section 98 or 99 of the Assessment Act, if Division 16 of Part III of the Assessment Act applies in relation to that income.
2. Subject to clause 3, the notional rate in respect of income to which this Division applies is, for every \$1 of the taxable income, the amount ascertained by determining the tax that would be payable if the rates set out in Part I of Schedule 7 were applied to a taxable income equal to the taxpayer's average income and dividing the resultant amount by a number equal to the number of whole dollars in that average income.
3. The notional rate in respect of income to which this Division applies is to be calculated under clause 2 as if Division 5 of Part II had not been enacted.

Division 2—Notional rates in respect of certain trust income

1. This Division applies:
 - (a) to a share of a resident beneficiary of the net income of a trust estate, if:
 - (i) the trustee of the trust estate is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of that share; and
 - (ii) Division 16 of Part III of the Assessment Act applies in relation to that share; and
 - (b) to the net income or a part of the net income of a resident trust estate, if:
 - (i) the trustee of the trust estate is liable to be assessed and to pay tax under section 99 of the Assessment Act in respect of that net income or that part of that net income of the trust estate; and
 - (ii) Division 16 of Part III of the Assessment Act applies in relation to that net income or that part of that net income.
2. The notional rate in respect of income to which this Division applies is:
 - (a) in a case where the income is:
 - (i) a share of the net income of a trust estate in respect of which the trustee is liable to be assessed and to pay tax under section 98 of the Assessment Act; or
 - (ii) the net income or a part of the net income of a trust estate in respect of which the trustee is liable to be assessed and to pay tax under section 99 of the Assessment Act, being the net income or a part of the net income of the estate of a deceased person who died less than 3 years before the end of the year of income;the rate that would be calculated in accordance with Division 1 if that income were the taxable income of one individual and were not income in respect of which a trustee is liable to be assessed and to pay tax under section 98 or 99 of the Assessment Act; and

- (b) in any other case—the rate that would be calculated in accordance with Division 1 in respect of a taxable income equal to the income if:
- (i) that income were the taxable income of one individual and were not income in respect of which a trustee is liable to be assessed and to pay tax under section 99 of the Assessment Act; and
 - (ii) the reference in column 1 of the table in Part I of Schedule 7 to the part of the ordinary taxable income that exceeds the tax-free threshold but does not exceed \$37,000 were a reference to the part of the ordinary taxable income that does not exceed \$37,000.

Part II—Non-resident taxpayers, non-resident beneficiaries and non-resident trust estates

Division 1—Normal notional rate

1. This Division applies to the income of a non-resident taxpayer, other than income in respect of which a trustee is liable to be assessed and to pay tax under section 98 or 99 of the Assessment Act, if Division 16 of Part III of the Assessment Act applies in relation to that income.
2. The notional rate in respect of income to which this Division applies is, for every \$1 of the taxable income, the amount ascertained by determining the tax that would be payable if the rates set out in Part II of Schedule 7 were applied to a taxable income equal to the taxpayer's average income and dividing the resultant amount by a number equal to the number of whole dollars in that average income.

Division 2—Notional rates in respect of certain trust income

1. This Division applies:
 - (a) to a share of a non-resident beneficiary of the net income of a trust estate if:
 - (i) the trustee of the trust estate is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of that share; and
 - (ii) Division 16 of Part III of the Assessment Act applies in relation to that share; and
 - (b) to the net income or a part of the net income of a non-resident trust estate if:
 - (i) the trustee of the trust estate is liable to be assessed and to pay tax under section 99 of the Assessment Act in respect of that net income or that part of that net income of the trust estate; and
 - (ii) Division 16 of Part III of the Assessment Act applies in relation to that net income or that part of that net income.
2. The notional rate in respect of income to which this Division applies is the rate that would be calculated in accordance with Division 1 in respect of a taxable income equal to the income if that income were the taxable income of one individual and were not income in respect of which a trustee is liable to be assessed and to pay tax under section 98 or 99 of the Assessment Act.

Schedule 10—Rates of tax payable by a trustee under section 98 or 99 of the Assessment Act

Subsection 12(6)

Part I—Resident beneficiaries and resident trust estates

1. In the case of a trustee who is liable to be assessed and to pay tax:
 - (a) under section 98 of the Assessment Act in respect of a share of a resident beneficiary of the net income of a trust estate; or
 - (b) under section 99 of the Assessment Act in respect of the net income or part of the net income of a resident trust estate, being the net income or part of the net income of the estate of a deceased person who died less than 3 years before the end of the year of income;

the rate of tax in respect of that share of the net income or that net income or that part of that net income is the rate that would be payable under Part I of Schedule 7 if one individual were liable to be assessed and to pay tax on that income as his or her taxable income.

2. In the case of a trustee who is liable to be assessed and to pay tax under section 99 of the Assessment Act in respect of the net income or part of the net income of a resident trust estate, other than income to which clause 1 applies, the rate of tax is the rate that would be payable under Part I of Schedule 7 in respect of a taxable income equal to that net income or that part of the net income if:
 - (a) one individual were liable to be assessed and to pay tax on that income; and
 - (b) the reference in item 1 of the table in Part I of Schedule 7 to the part of the ordinary taxable income that exceeds the tax-free threshold but does not exceed \$37,000 were a reference to the part of the ordinary taxable income that does not exceed \$37,000.

Part II—Non-resident beneficiaries and non-resident trust estates

In the case of a trustee who is liable to be assessed and to pay tax:

- (a) under section 98 of the Assessment Act in respect of a share of a non-resident beneficiary of the net income of a trust estate; or
- (b) under section 99 of the Assessment Act in respect of the net income or part of the net income of a non-resident trust estate;

the rate of tax in respect of that share of the net income or that net income or that part of that net income is the rate that would be payable under Part II of Schedule 7 if one individual were liable to be assessed and to pay tax on that income as his or her taxable income.

**Schedule 10A—Rates of tax payable by an
AMIT trustee under
paragraph 276-105(2)(a) of the
Income Tax Assessment Act 1997**

Note: See subsection 12(6A).

In the case of a trustee who is liable to be assessed and to pay tax under paragraph 276-105(2)(a) of the *Income Tax Assessment Act 1997* in respect of an amount mentioned in subsection 276-105(3) of that Act, the rate of tax in respect of that amount is the rate that would be payable under Part II of Schedule 7 if one individual were liable to be assessed and to pay tax on that amount as his or her taxable income.

Schedule 11—Rates of tax payable on eligible taxable income

Subsections 13(1) and 15(1)

Part I—Resident taxpayers

1. In the case of a resident taxpayer whose eligible taxable income for the purposes of Division 6AA of Part III of the Assessment Act exceeds \$416 and whose taxable income does not consist of or include a special income component, the rates of tax in respect of that part (in this clause referred to as the *relevant part*) of the taxable income of the taxpayer other than the eligible taxable income of the taxpayer are the rates that would be payable under Part I of Schedule 7 if the relevant part of that taxable income were the taxable income of the taxpayer.
2. In the case of a resident taxpayer whose eligible taxable income for the purposes of Division 6AA of Part III of the Assessment Act exceeds \$416 and whose taxable income does not consist of or include a special income component, the rate of tax in respect of the eligible taxable income of the taxpayer is 45%.
3. For every \$1 of the taxable income of a resident taxpayer:
 - (a) whose eligible taxable income for the purposes of Division 6AA of Part III of the Assessment Act exceeds \$416; and
 - (b) whose taxable income consists of or includes a special income component;the rate of tax is the amount ascertained in accordance with the formula $\frac{A + B + C}{D}$, where:
 - A** is the amount of tax that would be payable by the taxpayer under clauses 1 and 2 on a taxable income equal to the reduced taxable income;
 - B** is 5 times the difference between:

Schedule 11 Rates of tax payable on eligible taxable income

Part I Resident taxpayers

- (c) the amount of tax that would be payable by the taxpayer under clause 1 of Part I of Schedule 7 on a taxable income equal to the sum of:
- (i) whichever of the following amounts is applicable:
 - (A) if Division 392 (Long-term averaging of primary producers' tax liability) of the *Income Tax Assessment Act 1997* applies—the average income worked out under section 392-45 of that Act;
 - (B) if sub-subparagraph (A) does not apply—the reduced taxable income; and
 - (ii) 20% of the part of the special income component other than the eligible part of the special income component; and
- (d) the amount of tax that would be payable by the taxpayer under clause 1 of Part I of Schedule 7 on a taxable income equal to the average income worked out under section 392-45 of the *Income Tax Assessment Act 1997* or reduced taxable income, as the case may be;

C is 45% of the eligible part of the special income component; and

D is the number of whole dollars in the taxable income.

In applying the formula, component **B** is to be worked out on the assumption that the whole of the taxable income is ordinary taxable income.

Part II—Non-resident taxpayers

1. In the case of a non-resident taxpayer who has an eligible taxable income for the purposes of Division 6AA of Part III of the Assessment Act and whose taxable income does not consist of or include a special income component, the rates of tax in respect of that part (in this clause referred to as the *relevant part*) of the taxable income of the taxpayer other than the eligible taxable income of the taxpayer are the rates that would be payable under Part II of Schedule 7 if the relevant part of that taxable income were the taxable income of the taxpayer.
2. In the case of a non-resident taxpayer who has an eligible taxable income for the purposes of Division 6AA of Part III of the Assessment Act and whose taxable income does not consist of or include a special income component, the rate of tax in respect of the eligible taxable income of the taxpayer is 45%.
3. For every \$1 of the taxable income of a non-resident taxpayer:
 - (a) who has an eligible taxable income for the purposes of Division 6AA of Part III of the Assessment Act; and
 - (b) whose taxable income consists of or includes a special income component;the rate of tax is the amount ascertained in accordance with the formula $\frac{A + B + C}{D}$, where:
 - A** is the amount of tax that would be payable by the taxpayer under clauses 1 and 2 on a taxable income equal to the reduced taxable income;
 - B** is 5 times the difference between:
 - (c) the amount of tax that would be payable by the taxpayer under clause 1 of Part II of Schedule 7 on a taxable income equal to the sum of:
 - (i) whichever of the following amounts is applicable:
 - (A) if Division 392 (Long-term averaging of primary producers' tax liability) of the *Income Tax Assessment Act 1997* applies—the average

Schedule 11 Rates of tax payable on eligible taxable income
Part II Non-resident taxpayers

income worked out under section 392-45 of that Act;

(B) if sub-subparagraph (A) does not apply—the reduced taxable income; and

(ii) 20% of the part of the special income component other than the eligible part of the special income component; and

(d) the amount of tax that would be payable by the taxpayer under clause 1 of Part II of Schedule 7 on a taxable income equal to the average income worked out under section 392-45 of the *Income Tax Assessment Act 1997* or reduced taxable income, as the case may be;

C is 45% of the eligible part of the special income component; and

D is the number of whole dollars in the taxable income.

In applying the formula, component **B** is to be worked out on the assumption that the whole of the taxable income is ordinary taxable income.

Schedule 12—Rates of tax payable by a trustee under section 98 of the Assessment Act where Division 6AA of Part III of that Act applies

Subsections 13(3) and (4) and 15(3)

Part I—Resident beneficiaries

1. In the case of a trustee of a trust estate who is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of a share of a resident beneficiary of the net income of the trust estate where Division 6AA of Part III of that Act applies to a part (in this clause referred to as the *eligible part*) of that share, the rates of tax in respect of the part (in this clause referred to as the *relevant part*) of that share other than the eligible part of that share are the rates that would be payable under Part I of Schedule 7 in respect of a taxable income equal to the relevant part of that share if one individual were liable to be assessed and to pay tax on that income.
2. In the case of a trustee of a trust estate who is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of a share of a resident beneficiary of the net income of the trust estate where Division 6AA of Part III of that Act applies to a part of that share, the rate of tax in respect of that part of that share is 45%.

Schedule 12 Rates of tax payable by a trustee under section 98 of the Assessment Act where Division 6AA of Part III of that Act applies

Part II Non-resident beneficiaries

Part II—Non-resident beneficiaries

1. In the case of a trustee of a trust estate who is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of a share of a non-resident beneficiary of the net income of the trust estate where Division 6AA of Part III of that Act applies to a part (in this clause referred to as the *eligible part*) of that share, the rates of tax in respect of the part (in this clause referred to as the *relevant part*) of that share other than the eligible part of that share are the rates that would be payable under Part II of Schedule 7 in respect of a taxable income equal to the relevant part of that share if one individual were liable to be assessed and to pay tax on that income.
2. In the case of a trustee of a trust estate who is liable to be assessed and to pay tax under section 98 of the Assessment Act in respect of a share of a non-resident beneficiary of the net income of the trust estate where Division 6AA of Part III of that Act applies to a part of that share, the rate of tax in respect of that part of that share is 45%.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Income Tax Rates Act 1986	107, 1986	4 Nov 1986	4 Nov 1986 (s 2)	
Income Tax Rates Amendment Act 1987	60, 1987	5 June 1987	5 June 1987 (s 2)	s 10
Taxation Laws Amendment Act (No. 4) 1987	138, 1987	18 Dec 1987	s 53–62: 18 Dec 1987 (s 2(1))	s 61, 62
as amended by				
Tax Laws Amendment (2010 Measures No. 2) Act 2010	75, 2010	28 June 2010	Sch 6 (item 70): 29 June 2010 (s 2(1) item 9)	—
Taxation Laws Amendment Act 1988	11, 1988	26 Apr 1988	s 42: 26 Apr 1988 (s 2(1))	—
Taxation Laws Amendment Act (No. 2) 1988	78, 1988	24 June 1988	s 59: 24 June 1988 (s 2(1))	—
Income Tax Rates Amendment Act 1988	118, 1988	13 Dec 1988	13 Dec 1988 (s 2)	s 7
Taxation Laws Amendment (Rates and Rebates) Act 1989	70, 1989	21 June 1989	s 7 and Sch: 21 June 1989 (s 2)	s 7
Income Tax Rates Amendment Act 1989	98, 1989	30 June 1989	30 June 1989 (s 2)	s 6, 7
Income Tax Rates Amendment Act (No. 2) 1989	106, 1989	30 June 1989	30 June 1989 (s 2)	s 8, 9

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Taxation Laws Amendment (Rates and Provisional Tax) Act 1990	87, 1990	6 Nov 1990	s 3(2), 5, Sch 1 and 2: 6 Nov 1990 (s 2(1)) s 4(2): 1 July 1991 (s 2(2))	s 3(2), 4(2) and 5
Taxation Laws Amendment Act 1991	48, 1991	24 Apr 1991	s 92, 93(1), 94, 95, 97(1), (2), 98 and 99: 24 Apr 1991 (s 2(1)) s 93(2), 96 and 97(3): 1 July 1991 (s 2(4))	s 97–99
as amended by				
Tax Laws Amendment (2010 Measures No. 2) Act 2010	75, 2010	28 June 2010	Sch 6 (item 27): 29 June 2010 (s 2(1) item 9)	—
Taxation Laws Amendment Act (No. 2) 1991	100, 1991	27 June 1991	s 86–88: 27 June 1991 (s 2(1))	s 88
Taxation Laws Amendment Act (No. 3) 1991	216, 1991	24 Dec 1991	s 105 and Sch 3: 24 Dec 1991 (s 2(1))	s 105(2)
Taxation Laws Amendment Act (No. 3) 1992	98, 1992	30 June 1992	s 83–85: 30 June 1992 (s 2(1))	s 85
Tax Legislation Amendment Act 1992	197, 1992	21 Dec 1992	Repealed before commencing (s 2)	—
as repealed by				
Taxation (Deficit Reduction) Act (No 3) 1993	58, 1993	27 Oct 1993	s 9: 27 Oct 1993 (s 2(1))	—
Taxation Laws Amendment (Superannuation) Act 1993	7, 1993	27 May 1993	s 36–43: 1 July 1994 (s 2(2)(b))	s 43

Income Tax Rates Act 1986

63

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Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Taxation Laws Amendment Act (No. 2) 1993	18, 1993	9 June 1993	s 62–67: 9 June 1993 (s 2(1))	s 67
Taxation (Deficit Reduction) Act (No. 2) 1993	55, 1993	27 Oct 1993	s 17 and 18: 27 Oct 1993 (s 2(1)) s 19: 1 July 2000 (s 2(4)) s 20: repealed before commencing (s 2(3)(b))	s 17, 18(2) and 19(2)
as amended by				
Taxation Laws Amendment (Budget Measures) Act 1995	94, 1995	27 July 1995	Sch 2: 9 May 1995 (s 2(1))	—
Taxation Laws Amendment Act (No. 4) 1997	174, 1997	21 Nov 1997	Sch 8: 1 July 1997 (s 2(4))	—
Taxation Laws Amendment Act (No. 2) 2000	58, 2000	31 May 2000	Sch 7: 31 May 2000 (s 2(1))	—
Taxation (Deficit Reduction) Act (No. 1) 1993	57, 1993	27 Oct 1993	s 36 and 37: 27 Oct 1993 (s 2)	s 36 and 37(2)–(4)
as amended by				
Taxation Laws Amendment (Budget Measures) Act 1995	94, 1995	27 July 1995	Sch 1: 9 May 1995 (s 2(1))	—
Taxation (Deficit Reduction) Act (No. 3) 1993	58, 1993	27 Oct 1993	s 3–5: 27 Oct 1993 (s 2(1)) s 6: 1 July 1994 (s 2(2)) s 7: repealed before commencing (s 2(3))	s 3, 5(2), 6(2), (3), 7(2) and (3)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Tax and Superannuation Laws Amendment (2015 Measures No. 1) Act 2015	70, 2015	25 June 2015	Sch 6 (items 60, 61): 25 June 2015 (s 2(1) item 17)	—
Income Tax Rates Amendment Act 1994	173, 1994	16 Dec 1994	16 Dec 1994 (s 2)	s 5
Taxation Laws Amendment Act (No. 4) 1994	181, 1994	19 Dec 1994	Sch 2 (items 1–4): 19 Dec 1994 (s 2(1))	Sch 2 (items 1, 4)
Income Tax Rates Amendment Act 1995	90, 1995	27 July 1995	27 July 1995 (s 2)	Sch 1 (item 10)
Income Tax Rates Amendment (Family Tax Initiative) Act 1996	64, 1996	27 Nov 1996	1 Jan 1997 (s 2)	s 3
Retirement Savings Accounts (Consequential Amendments) Act 1997	62, 1997	28 May 1997	Sch 18: 2 June 1997 (s 2)	—
Tax Law Improvement Act 1997	121, 1997	8 July 1997	s 4: 8 July 1997 (s 2(1)) Sch 6 (items 134–137): 1 July 1997 (s 2(2), (3))	s 4
Income Tax Rates Amendment Act (No. 1) 1997	124, 1997	15 Sept 1997	15 Sept 1997 (s 2)	Sch 1 (item 14) and Sch 2 (item 10)

Income Tax Rates Act 1986

65

Compilation No. 50

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Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999	83, 1999	8 July 1999	Sch 10 (item 63): 15 Sept 1997 (s 2(7)) Sch 10 (item 68(1)): 1 July 2000 (s 2(2))	Sch 10 (item 68(1))
Social Security Legislation Amendment (Parenting and Other Measures) Act 1997	197, 1997	11 Dec 1997	Sch 1 (item 344): 20 Mar 1998 (s 2(2))	—
Tax Law Improvement Act (No. 1) 1998	46, 1998	22 June 1998	s 4, Sch 2 (items 546, 547), Sch 6 (items 31–46) and Sch 8 (item 10): 22 June 1998 (s 2(1), (2), (4))	s 4
Income Tax Rates Amendment (RSAs Provided by Registered Organizations) Act 1999	41, 1999	9 June 1999	1 July 1999 (s 2)	—
A New Tax System (Personal Income Tax Cuts) Act 1999	69, 1999	8 July 1999	Sch 1 and Sch 3 (item 1(1)): 9 July 1999 (s 2)	Sch 3 (item 1(1))
A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999	82, 1999	8 July 1999	Sch 8 (items 26, 29): 1 July 2000 (s 2(2))	Sch 8 (item 29)
A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999	83, 1999	8 July 1999	Sch 10 (items 55–62, 68(1)): 1 July 2000 (s 2(2))	Sch 10 (item 68(1))

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Family and Community Services Legislation Amendment (1999 Budget and Other Measures) Act 1999	172, 1999	10 Dec 1999	Sch 2 (item 1): 8 July 1999 (s 2(4))	—
New Business Tax System (Income Tax Rates) Act (No. 1) 1999	167, 1999	10 Dec 1999	Sch 2: 1 July 2001 (s 2(2)) Remainder: 1 July 2000 (s 2(1))	Sch 1 (item 12) and Sch 2 (item 12)
New Business Tax System (Income Tax Rates) Act (No. 2) 1999	168, 1999	10 Dec 1999	10 Dec 1999 (s 2)	Sch 1 (items 16– 27)
A New Tax System (Tax Administration) Act 1999	179, 1999	22 Dec 1999	Sch 11 (item 106): 1 July 2000 (s 2(9)(b))	—
Taxation Laws Amendment Act (No. 6) 2000	76, 2000	28 June 2000	Sch 1 (items 6, 8(1)): 28 June 2000 (s 2)	Sch 1 (item 8(1))
New Business Tax System (Miscellaneous) Act (No. 2) 2000	89, 2000	30 June 2000	Sch 2 (items 89–111): 30 June 2000 (s 2(1))	—
New Business Tax System (Capital Allowances— Transitional and Consquential) Act 2001	77, 2001	30 June 2001	Sch 2 (items 477–479, 488(1)): 30 June 2001 (s 2(1))	Sch 2 (item 488(1))

Income Tax Rates Act 1986

67

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Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Taxation Laws Amendment Act (No. 5) 2002	119, 2002	2 Dec 2002	Sch 3 (item 97): 30 June 2001 (s 2(1) item 9)	—
Taxation Laws Amendment Act (No. 2) 2001	167, 2001	1 Oct 2001	Sch 6 (items 4–6): 1 Oct 2001 (s 2(1))	Sch 6 (item 6)
Taxation Laws Amendment (Personal Income Tax Reduction) Act 2003	45, 2003	24 June 2003	s 4 and Sch 1 (items 4–7): 24 June 2003 (s 2)	s 4
Taxation Laws Amendment Act (No. 5) 2003	142, 2003	17 Dec 2003	Sch 6 (items 1–8, 21): 17 Dec 2003 (s 2(1) item 8) Sch 6 (items 22, 23): 1 July 1994 (s 2(1) item 9)	Sch 6 (items 21, 23)
Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004	52, 2004	27 Apr 2004	Sch 3 (items 24–29): 1 July 2004 (s 2(1) item 6)	—
Tax Laws Amendment (Personal Income Tax Reduction) Act 2004	67, 2004	22 June 2004	22 June 2004 (s 2)	Sch 1 (item 3)
Taxation Laws Amendment Act (No. 1) 2004	101, 2004	30 June 2004	Sch 11 (items 47, 48): 1 July 2000 (s 2(1) item 14) Sch 11 (items 147–153): 30 June 2004 (s 2(1) item 17)	Sch 11 (items 48, 153)
Tax Laws Amendment (Personal Income Tax Reduction) Act 2005	101, 2005	12 Aug 2005	s 4 and Sch 1 (items 1, 2): 12 Aug 2005 (s 2)	s 4

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Tax Laws Amendment (Personal Tax Reduction and Improved Depreciation Arrangements) Act 2006	55, 2006	19 June 2006	Sch 1 (items 1, 2, 7–29, 32(1)): 1 July 2006 (s 2(1) item 2)	Sch 1 (item 32(1))
Tax Laws Amendment (2006 Measures No. 2) Act 2006	58, 2006	22 June 2006	Sch 7 (items 114–119): 22 June 2006 (s 2(1) item 6)	Sch 7 (items 115, 119)
Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006	101, 2006	14 Sept 2006	Sch 1 (items 1, 263–265), Sch 2 (items 780–792) and Sch 6 (items 1, 6–11): 14 Sept 2006 (s 2(1) items 2, 4)	Sch 6 (items 1, 6–11)
Tax Laws Amendment (2006 Measures No. 5) Act 2006	110, 2006	23 Oct 2006	Sch 3: 23 Oct 2006 (s 2(1) item 3)	Sch 3 (item 9)
Tax Laws Amendment (Simplified Superannuation) Act 2007	9, 2007	15 Mar 2007	Sch 1 (items 18, 24(1)): 15 Mar 2007 (s 2(1) item 2)	Sch 1 (item 24(1))
Income Tax Rates Amendment (Superannuation) Act 2007	19, 2007	15 Mar 2007	15 Mar 2007 (s 2)	Sch 1 (item 35)
Tax Laws Amendment (Personal Income Tax Reduction) Act 2007	76, 2007	21 June 2007	Sch 1 (items 4–7, 11–16): 21 June 2007 (s 2)	Sch 1 (items 11, 16)
Tax Laws Amendment (2007 Measures No. 3) Act 2007	79, 2007	21 June 2007	Sch 9 (items 27–29, 30(1), 31, 32): 21 June 2007 (s 2(1) item 6)	Sch 9 (items 30(1), 31, 32)
Tax Laws Amendment (2007 Measures No. 4) Act 2007	143, 2007	24 Sept 2007	Sch 7 (items 73–96): 24 Sept 2007 (s 2(1) item 11)	Sch 7 (item 96)

Income Tax Rates Act 1986

69

Compilation No. 50

Compilation date: 1/7/17

Registered: 3/7/17

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Tax Laws Amendment (Personal Income Tax Reduction) Act 2008	29, 2008	23 June 2008	Sch 1 (items 3–6, 10): 1 July 2008 (s 2(1) item 2) Sch 1 (items 13–16, 20): 1 July 2009 (s 2(1) item 3) Sch 1 (items 23–26, 30): 1 July 2010 (s 2(1) item 4)	Sch 1 (items 10, 20, 30)
First Home Saver Accounts (Consequential Amendments) Act 2008	45, 2008	25 June 2008	Sch 1 (items 45–52), Sch 6 (items 1, 17) and Sch 7 (items 54, 55): 26 June 2008 (s 2)	—
Tax Laws Amendment (2008 Measures No. 6) Act 2009	14, 2009	26 Mar 2009	Sch 4 (items 35, 36): 26 Mar 2009 (s 2(1) item 2)	Sch 4 (item 36)
Income Tax Rates Amendment (Temporary Flood and Cyclone Reconstruction Levy) Act 2011	15, 2011	12 Apr 2011	Sch 2: 1 July 2016 (s 2(1) item 3) Remainder: 12 Apr 2011 (s 2(1) items 1, 2)	—
as amended by Tax and Superannuation Laws Amendment (2015 Measures No. 1) Act 2015	70, 2015	25 June 2015	Sch 6 (item 40): 25 June 2015 (s 2(1) item 13)	—
Income Tax Rates Amendment (Research and Development) Act 2011	92, 2011	8 Sept 2011	8 Sept 2011: (s 2(1) items 1, 2)	Sch 1 (item 4)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Tax Laws Amendment (2011 Measures No. 7) Act 2011	147, 2011	29 Nov 2011	Sch 2 (item 1): 29 Nov 2011 (s 2(1) item 3) Sch 2 (item 2): 1 July 2016 (s 2(1) item 4)	—
Clean Energy (Income Tax Rates Amendments) Act 2011	150, 2011	4 Dec 2011	Sch 1 (items 1–6): 1 July 2012 (s 2(1) item 2) Sch 1 (items 7–9): never commenced (s 2(1) item 3)	Sch 1 (item 6)
as amended by				
Labor 2013-14 Budget Savings (Measures No. 1) Act 2015	72, 2015	25 June 2015	Sch 1: 26 June 2015 (s 2)	—
Tax Laws Amendment (2011 Measures No. 9) Act 2012	12, 2012	21 Mar 2012	Sch 6 (item 185): 21 Mar 2012 (s 2(1) item 31)	—
Tax Laws Amendment (Income Tax Rates) Act 2012	60, 2012	21 June 2012	Sch 1 (items 9, 10): never commenced (s 2(1) item 3) Remainder: 21 June 2012 (s 2(1) items 1, 2)	Sch 1 (item 8)
as amended by				
Tax and Superannuation Laws Amendment (2013 Measures No. 1) Act 2013	88, 2013	28 June 2013	Sch 7 (items 234, 235): 28 June 2013 (s 2(1) item 26)	—
Income Tax Rates Amendment (DisabilityCare Australia) Act 2013	41, 2013	28 May 2013	28 May 2013 (s 2(1) items 1, 2)	Sch 1 (item 2)

Income Tax Rates Act 1986

71

Compilation No. 50

Compilation date: 1/7/17

Registered: 3/7/17

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Tax and Superannuation Laws Amendment (2013 Measures No. 1) Act 2013	88, 2013	28 June 2013	Sch 7 (items 211–221): 28 June 2013 (s 2(1) item 21)	Sch 7 (item 221)
Income Tax Rates Amendment (Temporary Budget Repair Levy) Act 2014	45, 2014	25 June 2014	25 June 2014 (s 2(1) item 1, 2)	—
Tax Laws Amendment (Small Business Measures No. 1) Act 2015	66, 2015	22 June 2015	Sch 1 (items 1–3, 30, 32): 22 June 2015 (s 2(1) items 2, 3, 5)	Sch 1 (item 32)
Tax and Superannuation Laws Amendment (2015 Measures No. 1) Act 2015	70, 2015	25 June 2015	Sch 1 (items 109–117): 1 July 2015 (s 2(1) item 3) Sch 6 (item 39): 25 June 2015 (s 2(1) item 13)	—
as amended by				
Tax Laws Amendment (Small Business Measures No. 1) Act 2015	66, 2015	22 June 2015	Sch 1 (item 31): 1 July 2015 (s 2(1) item 4)	—
Income Tax Rates Amendment (Managed Investment Trusts) Act 2016	49, 2016	5 May 2016	Sch 1: 5 May 2016 (s 2(1) item 2)	—
Tax Laws Amendment (New Tax System for Managed Investment Trusts) Act 2016	53, 2016	5 May 2016	Sch 5 (items 68–70, 75) and Sch 8 (item 1): 5 May 2016 (s 2(1) items 2, 4)	Sch 5 (item 75) and Sch 8 (item 1)
Treasury Laws Amendment (Income Tax Relief) Act 2016	68, 2016	20 Oct 2016	20 Oct 2016 (s 2(1) item 1)	Sch 1 (item 5)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Income Tax Rates Amendment (Working Holiday Maker Reform) Act 2016	92, 2016	2 Dec 2016	2 Dec 2016 (s 2(1) item 1)	Sch 1 (item 8)
Treasury Laws Amendment (Enterprise Tax Plan) Act 2017	41, 2017	19 May 2017	Sch 1 (items 1–6): 1 July 2016 (s 2(1) item 2) Sch 1 (item, 57): 19 May 2017 (s 2(1) item 8) Sch 1 (items 7–15): 1 July 2017 (s 2(1) item 3) Sch 1 (item 16): <u>1 July 2018 (s 2(1) item 4)</u> Sch 1 (items 33–38): <u>1 July 2024 (s 2(1) item 5)</u> Sch 1 (items 39–44): <u>1 July 2025 (s 2(1) item 6)</u> Sch 1 (items 45–50): <u>1 July 2026 (s 2(1) item 7)</u>	Sch 1 (item 57)

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part I	
s 3	am No 138, 1987; No 11, 1988; Nos 98 and 106, 1989; Nos 48 and 100, 1991; No 98, 1992; No 7, 1993; No 181, 1994; Nos 62 and 121, 1997; No 46, 1998; Nos 41 and 168, 1999; No 89, 2000; No 77, 2001; No 142, 2003; No 52, 2004; No 101, 2006; Nos 19 and 143, 2007; No 45, 2008; No 150, 2011 (<i>Sch 1 item 7</i>); No 60, 2012; No 88, 2013; No 70, 2015; No 49, 2016; No 53, 2016; No 92, 2016; No 41, 2017
s 3A.....	ad No 92, 2016
Part II	
Division 1	
s 5	am No 138, 1987; No 98, 1989; No 79, 2007; No 49, 2016
Division 2	rep No 70, 1989
s 6	rep No 70, 1989
s 7	am No 138, 1987 rep No 70, 1989
s 8	rep No 70, 1989
s 9	rep No 70, 1989
s 10	rep No 70, 1989
Division 3	
Division 3 heading.....	rs No 70, 1989
Subdivision A	rep No 70, 1989
s 11	rep No 70, 1989
Subdivision B	
s 12	am No 138, 1987; No 70, 1989; No 121, 1997; No 124, 1997 (as am by No 83, 1999); No 46, 1998; No 83, 1999; No 77, 2001; No 101, 2004; Nos 55 and 101, 2006; No 92, 2011; No 49, 2016
s 12A.....	ad No 46, 1998 am Nos 69 and 83, 1999
s 12B.....	ad No 92, 2011
s 12C (prev s 12B).....	ad No 15, 2011

Endnote 4—Amendment history

Provision affected	How affected
	renum No 70, 2015
	rep No 15, 2011 (as am by No 70, 2015)
Subdivision C	
s 13	am No 70, 1989; Nos 55 and 101, 2006; No 88, 2013
s 14	am No 70, 1989; No 48, 1991; No 167, 2001; No 58, 2006; No 88, 2013
Subdivision D	
s 15	am No 70, 1989; Nos 55 and 101, 2006; No 60, 2012; No 88, 2013
Division 4	
s 16	am No 78, 1988; Nos 48, 100 and 216, 1991; No 179, 1999; No 76, 2000; No 52, 2004; No 110, 2006
s 16A.....	ad No 64, 1996
	rep No 83, 1999
s 17	rep No 110, 2006
s 19	rep No 110, 2006
s 20	am No 70, 1989; No 87, 1990; No 69, 1999; No 167, 2001; No 110, 2006; No 150, 2011
Division 5	ad No 64, 1996
	rep No 82, 1999
s 20A.....	ad No 64, 1996
	rep No 82, 1999
s 20B.....	ad No 64, 1996
	am No 124, 1997
	rep No 82, 1999
s 20C.....	ad No 64, 1996
	am No 124, 1997; No 69, 1999
	rep No 82, 1999
s 20D.....	ad No 64, 1996
	am Nos 124 and 197, 1997; No 69, 1999
	rep No 82, 1999
s 20E.....	ad No 64, 1996
	am No 124, 1997; No 69, 1999

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	rep No 82, 1999
s 20F	am Nos 69 and 168, 1999
	rep No 82, 1999
s 20G.....	ad No 64, 1996
	am No 124, 1997; No 46, 1998; No 69, 1999
	rep No 82, 1999
s 20H.....	ad No 64, 1996
	am Nos 121 and 124, 1997; No 69, 1999
	rep No 82, 1999
s 20J.....	ad No 64, 1996
	am No 124, 1997
	rep No 82, 1999
s 20K.....	ad No 64, 1996
	rep No 82, 1999
s 20L.....	ad No 64, 1996
	rep No 82, 1999
s 20M.....	ad No 64, 1996
	rep No 82, 1999
s 20N.....	ad No 64, 1996
	rep No 82, 1999
s 20O.....	ad No 64, 1996
	rep No 82, 1999
s 20P	ad No 64, 1996
	rep No 82, 1999
s 20Q.....	ad No 64, 1996
	rep No 82, 1999
s 20R.....	ad No 64, 1996
	rep No 82, 1999
s 20S	ad No 64, 1996
	am No 69, 1999
	rep No 82, 1999

Endnote 4—Amendment history

Provision affected	How affected
s 20T.....	ad No 64, 1996 am No 69, 1999 rep No 82, 1999
s 20U.....	ad No 64, 1996 am No 124, 1997; No 69, 1999 rep No 82, 1999
s 20V.....	ad No 64, 1996 rep No 82, 1999
Part III	
s 22	am No 60, 1987 rep No 12, 2012
s 23	am No 60, 1987; No 118, 1988; No 106, 1989; No 98, 1992; Nos 18, 55 and 57, 1993; Nos 173 and 181, 1994; No 90, 1995; No 62, 1997; Nos 41 and 167, 1999; No 89, 2000; No 101, 2004; No 55, 2006; No 143, 2007; No 45, 2008; No 14, 2009; No 66, 2015; No 70, 2015; No 41, 2017 (Sch 1 items 33–37, 39–43, 45–49)
s 23AA.....	ad No 41, 2017 am No 41, 2017
s 23A.....	ad No 89, 2000 am No 143, 2007; No 45, 2008; No 70, 2015
s 23B.....	ad No 89, 2000 rep No 143, 2007
s 23C.....	ad No 89, 2000 rep No 143, 2007
s 24	am No 60, 1987; No 118, 1988; No 18, 1993; No 90, 1995; No 167, 1999 rs No 66, 2015 rep No 53, 2016
s 25	am No 60, 1987; No 118, 1988; No 18, 1993; No 90, 1995; No 167, 1999 rs No 66, 2015 am No 41, 2017 (Sch 1 items 38, 44, 50)
s 26	am Nos 60 and 138, 1987 rs No 98, 1989

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 106, 1989; No 55, 2006; No 19, 2007
s 27	am Nos 60 and 138, 1987
	rs No 98, 1989
	am No 106, 1989; No 55, 2006; No 19, 2007
s 27A.....	ad No 98, 1989
	am No 106, 1989; No 55, 2006; No 19, 2007
s 28	ad No 60, 1987
	am No 118, 1988; No 18, 1993; No 90, 1995; No 167, 1999
	rs No 79, 2007
	am No 66, 2015
s 28A.....	ad No 49, 2016
	am No 41, 2017
s 29	ad No 9, 2007
	am Nos 19 and 143, 2007; No 41, 2013
s 30	ad No 45, 2008
	rep No 70, 2015
s 31	ad No 92, 2011
Part IV	
Part IV	ad No 45, 2014
s 32	ad No 45, 2014
s 33	ad No 45, 2014
s 34	ad No 45, 2014
s 35	ad No 45, 2014
	am No 49, 2016
s 36	ad No 45, 2014
s 37	ad No 45, 2014
Schedule 1.....	am No 138, 1987
	rep No 70, 1989
Schedule 2.....	rep No 70, 1989
Schedule 3.....	am No 138, 1987
	rep No 70, 1989

Endnote 4—Amendment history

Provision affected	How affected
Schedule 4.....	rep No 70, 1989
Schedule 5.....	am No 138, 1987 rep No 70, 1989
Schedule 6.....	rep No 70, 1989
Schedule 7	
Schedule 7.....	am No 138, 1987; No 70, 1989; No 87, 1990; No 48, 1991; Nos 7 and 58, 1993; No 46, 1998; No 69, 1999; Nos 45 and 142, 2003; No 67, 2004; No 101, 2005; Nos 55 and 58, 2006; Nos 19 and 76, 2007; No 29, 2008; No 147, 2011; No 150, 2011 (<u>Sch 1 item 8</u>); No 60, 2012; No 68, 2016; No 92, 2016
Schedule 8	
Schedule 8.....	am No 70, 1989; No 87, 1990; No 7, 1993; No 64, 1996; No 69, 1999; No 45, 2003; No 55, 2006; No 76, 2007; No 29, 2008; No 150, 2011
Schedule 9.....	am No 138, 1987; No 70, 1989; No 7, 1993; No 121, 1997; No 77, 2001; No 142, 2003 rep No 101, 2006
Schedule 10	
Schedule 10.....	am No 70, 1989; No 87, 1990; No 7, 1993; No 69, 1999; No 45, 2003; Nos 55, 58 and 101, 2006; No 76, 2007; No 29, 2008; No 150, 2011
Schedule 10A	
Schedule 10A.....	ad No 49, 2016
Schedule 11	
Schedule 11.....	am No 138, 1987; No 70, 1989; No 7, 1993; No 46, 1998; Nos 55 and 101, 2006
Schedule 12	
Schedule 12.....	am No 70, 1989; No 7, 1993; No 168, 1999; Nos 55 and 101, 2006