



Taxation Laws Amendment (Budget Measures) Act 1995

No. 94 of 1995

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Taxation Laws Amendment (Budget Measures) Act 1995

No. 94 of 1995

An Act to amend the law relating to taxation

[Assented to 27 July 1995]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Taxation Laws Amendment (Budget Measures) Act 1995*.

Commencement

2.(1) Subject to this section, this Act is taken to have commenced on 9 May 1995.

(2) Part 2 of Schedule 3 commences, or is taken to have commenced, on 1 July 1995.

(3) Schedule 9 commences on the day on which this Act receives the Royal Assent.

Schedules

3. The Acts specified in the Schedules are amended in accordance with the applicable items in the Schedules and the other items in the Schedules have effect according to their terms.

SCHEDULE 1

Section 3

**AMENDMENT OF THE *TAXATION (DEFICIT REDUCTION)*
*ACT (NO. 1) 1993***

1. Subsection 37(3):

Omit “, the 1995-96 year of income or the 1996-97 year of income,”.

2. Subsection 37(4):

Omit “, the 1995-96 year of income or the 1996-97 year of income,”.

SCHEDULE 2

Section 3

**AMENDMENT OF THE *TAXATION (DEFICIT REDUCTION)*
*ACT (NO. 2) 1993***

1. Subsections 2(2), (3) and (4):

Omit the subsections, substitute:

“(2) Subdivision B of Division 3 of Part 3 commences on 1 July 1995.

“(3) The following provisions commence on 1 July 1997:

(a) Subdivision D of Division 3 of Part 3;

(b) Subdivision C of Division 2 of Part 4.”.

2. Subdivision B of Division 3 of Part 3 (heading):

Add at the end “*and 1996-97*”.

3. Subdivision C of Division 3 of Part 3:

Repeal the Subdivision.

4. Subdivision B of Division 2 of Part 4 (heading):

Add at the end “, *1995-96 and 1996-97*”.

5. Subsection 18(2):

Add at the end “, of the 1995-96 year of income and of the 1996-97 year of income.”.

6. Subdivisions C and D of Division 2 of Part 4:

Repeal the Subdivisions, substitute:

“Subdivision C—Rate for 1997-98 and later years

Rates of tax payable by companies

“19.(1) Section 23 of the Principal Act is amended by omitting from paragraph (4)(b) “33%” and substituting “39%”.

“(2) The amendment made by subsection (1) applies to assessments in respect of income of the 1997-98 year of income and of all later years of income.”.

SCHEDULE 3

Section 3

AMENDMENT OF THE SALES TAX ASSESSMENT ACT 1992

PART 1—AMENDMENTS COMMENCING ON 9 MAY 1995

1. Section 5 (definition of *permanent microchip*):

Omit the definition.

2. Subsections 14(1) and (2):

Omit “permanent”.

3. Section 42A:

Repeal the section, substitute:

Luxury motor vehicles

“42A. The taxable value of a taxable dealing with goods covered by Item 1 of Schedule 6 to the Exemptions and Classifications Act, other than goods to which section 49 of this Act applies, is reduced by:

$35.787\% \times$ **Motor vehicle depreciation limit for the
financial year in which the taxable dealing
happens**

”.

4. Application

The amendments made by this Part apply to dealings with goods after 7.30 p.m., by legal time in the Australian Capital Territory, on 9 May 1995.

SCHEDULE 3—continued

PART 2—AMENDMENTS COMMENCING ON 1 JULY 1995

5. Section 42A:

Omit “35.787%”, substitute “34.296%”.

6. Application

The amendment made by this Part applies to dealings with goods on or after 1 July 1995.

SCHEDULE 4

Section 3

**AMENDMENT OF THE SALES TAX (CUSTOMS)
(DEFICIT REDUCTION) ACT 1993**

1. Item 2 of Schedule 2:

Omit the item.

SCHEDULE 5

Section 3

**AMENDMENT OF THE SALES TAX (EXCISE)
(DEFICIT REDUCTION) ACT 1993**

1. Item 2 of Schedule 2:

Omit the item.

SCHEDULE 6

Section 3

**AMENDMENT OF THE SALES TAX (GENERAL)
(DEFICIT REDUCTION) ACT 1993**

1. Item 2 of Schedule 2:

Omit the item.

SCHEDULE 7

Section 3

**AMENDMENT OF THE SALES TAX (*IN SITU POOLS*)
(*DEFICIT REDUCTION*) ACT 1993**

1. Item 2 of Schedule 2:

Omit the item.

SCHEDULE 8

Section 3

**AMENDMENT OF THE SALES TAX ASSESSMENT AMENDMENT
(DEFICIT REDUCTION) ACT 1993**

1. First and second items of the Schedule:

Omit the items.

SCHEDULE 9

Section 3

**AMENDMENTS OF THE SALES TAX ASSESSMENT ACT 1992
RELATING TO INFORMATION FOR THE PROTECTION OF
TAXPAYERS**

1. After section 130:

Insert:

Information for the protection of taxpayers

“130B. Where a Minister makes a public statement which announces that it is the intention of the Government to introduce into a House of the Parliament a bill relating to a sales tax law to operate from a date before the enactment of the bill, the Commissioner must, within 7 days of that Minister making the statement, publish, for the information of taxpayers in each State and Territory, a public notice, in plain English, in at least 2 newspapers circulating generally in that State or Territory, as the case may be, which shall include the following:

- (a) a statement of the intention of the Commonwealth Government to introduce the bill;
- (b) details of what the bill will contain and how and when its provisions will be applied, if and when it comes into force;
- (c) a warning that the bill is subject to enactment by both Houses of the Parliament and, if enacted, is to operate retrospectively from a date or dates specified in the bill;
- (d) an explanation of why it is necessary that the bill be enacted retrospectively; and
- (e) details of hotlines, addresses or other sources from which taxpayers may obtain further information.

Taxpayers protection not be repealed except by express words

“130C. It is the intention of the Parliament that section 130B is not to be amended or repealed other than by the express words of an Act of the Parliament.”.

SCHEDULE 10

Section 3

AMENDMENT OF THE *INCOME TAX ASSESSMENT ACT 1936*

1. Subsection 221YA(1) (definition of *provisional tax uplift factor*):

Omit the definition, substitute:

“provisional tax uplift factor:

(a) in relation to the 1995-96 year of income—means 8%; and

(b) in relation to a later year of income—means, until the Parliament otherwise provides, 10%.”.

2. Application

The amendment made by this Schedule applies in relation to provisional tax (including instalments) payable for the 1995-96 year of income and for all later years of income.

*[Minister's second reading speech made in—
House of Representatives on 8 June 1995
Senate on 20 June 1995]*