An Act to amend the Taxation Acts, 1927 and 1928, to re-impose the super taxes for the financial year 1929-1930, and for other purposes.

[Assented to, December 12th, 1929.]

Be it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Taxation Act, 1929".
   
   (2) The Taxation Acts, 1927 and 1928, and this Act may be cited together as the "Taxation Acts, 1927 to 1929".
   
   (3) The Taxation Act, 1927, is hereinafter called "the principal Act".

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act and those Acts and this Act shall be read as one Act.

3. Section 18 of the principal Act is amended by adding after paragraph iv. of subsection (1) thereof the following paragraph:

   v. the income derived during the period of five years from the first day of July, nineteen hundred and twenty-eight, from working any mining property in the State for the purpose of obtaining gold or copper, by any party engaged as principal in so working any such property.

4. Section
4. Section 22 of the principal Act is amended by adding at the end of paragraph xii. and paragraph xiiia thereof the following proviso:

Provided that where the income is computed against the taxpayer in respect of any period less than twelve months the deduction under this paragraph shall bear the same ratio to Thirty Pounds as the said period bears to twelve months.

5. Section 23 of the principal Act is amended by inserting after the word "leased" in the tenth line thereof the words "less any part of that cost which has been previously deducted under paragraph iii. of section 24."

6. Section 28 of the principal Act is amended by striking out the words and figures "subdivision xii." in the fourth line thereof and inserting in lieu thereof the words and figures "subdivisions xii. and xiiia."

7. Section 34 of the principal Act is repealed and the following sections are hereby enacted and substituted in lieu thereof:

34. (1) When any party in the State (herein termed the agent) on behalf of a principal resident or carrying on business out of the State or on behalf of a foreign company, sells or is instrumental in selling any property for the principal, whether such property is in the State or is to be brought into the State, and whether the contract is made by the agent in the State or by or on behalf of the principal out of the State, and whether the moneys arising therefrom are paid to or received by the principal directly or otherwise, the moneys arising therefrom shall be deemed to be income derived by the principal from a business carried on by him in the State, and the taxable income derived therefrom by the principal shall, if such income cannot, in the opinion of the Commissioner be otherwise satisfactorily determined, be assessed on an amount of taxable income equal to Five Pounds for every One Hundred Pounds of the amount for which such property has been sold or disposed of.

(2) When the agent sells or is instrumental in selling such property the agent shall make such returns as are prescribed, and shall pay to the Commissioner income tax upon the income of the principal as determined and assessed under this section.

(3) If the agent is a company, the public officer of the company shall be liable under this section as if the income of the principal were income of the company.

(4) The payment under this section shall be in addition to all income tax payable by the agent upon his own income arising out of or in relation to the sale or disposal of such property.

(5) The
(5) The agent may deduct and retain the amounts of all payments made by him under this section out of any moneys from time to time payable by him to the principal, or may recover the same from the principal in any Court of competent jurisdiction as a debt.

(6) The tax under this section shall be calculated and payable, and may be assessed, forthwith after the sale or disposal of such property, and shall be at the rates in force in respect of income derived during the period of twelve months immediately preceding the last previous first day of July; but if at the time when any tax becomes payable under this section no rates of tax have been fixed by law for the period aforesaid, the tax shall be payable at the rates then last previously in force.

(7) Subdivision XI. of section 22, and any amendment thereof, shall apply to the income of any person liable to income tax under this section; and the amount of exemption to be allowed to any such person shall be proportionate to the period in respect of which the income is computed against him.

(8) In this section "property" does not include any property produced out of the State and being agricultural or orchard produce or wool or livestock.

34A. (1) If any non-resident trader as the result of soliciting orders negotiating or canvassing within the State, or doing any other act within the State in connection with his business or any business in which he is a partner concludes a sale of or agreement to sell any property, whether the property is in the State or is to be brought into the State, and whether the sale or agreement to sell is concluded within or outside the State, the money arising from the sale so made shall be deemed to be income derived by the said trader from a business carried on in the State, and the taxable income derived therefrom shall, if in the opinion of the Commissioner it cannot be otherwise satisfactorily determined, be assessed on an amount of taxable income equal to Five Pounds for every One Hundred Pounds of the amount for which the property has been sold.

(2) When any such trader sells any such property he shall make such returns as are prescribed, and shall pay to the Commissioner income tax upon the income determined and assessed under this section.

(3) The tax under this section shall be calculated and payable, and may be assessed forthwith after the sale of the property, and shall be at the rates in force in respect of income derived during the period of twelve months immediately preceding the last previous first day of July; but if at the time when any tax becomes payable under this section no rates of taxes have been fixed by law for the period aforesaid, the tax shall be payable at the rates then last previously in force.

(4) Subdivision
Meaning of "sale" and "sell.

Consequential amendment of principal Act, s. 35.

(4) Subdivision XI. of section 22, and any amendment thereof, shall apply to the income of any person liable to income tax under this section; and the amount of exemption to be allowed to any such person shall be proportionate to the period in respect of which the income is computed against any such person.

(5) Income tax under this section shall be payable on demand, and shall be recoverable forthwith in the same manner in all respects as income tax in arrear.

(6) In this section—

"Non-resident trader" means any trader who within the State solicits orders, negotiates or canvasses for sales, or does any other act in connection with his business or any business in which he is a partner, but who has not a fixed and permanent place of abode or business in the State:

"Property" does not include any property produced out of the State and being agricultural or orchard produce, wool, or livestock.

34B. In sections 34 and 34A the word "sale" includes any disposition in the nature of a sale and the word "sell" and all parts thereof have a corresponding meaning.

8. Section 35 of the principal Act is amended—

(a) by striking out subsections (4) and (5) thereof; and

(b) by inserting at the end of subsection (6) thereof the following definition:—

"Non-resident trader" means any trader who within the State solicits orders, negotiates or canvasses for sales or does any other act within the State in connection with his business or any business in which he is a partner, but who has not a fixed and permanent place of abode or business in the State.

9. Section 60 of the principal Act is amended by inserting at the end thereof the following words:—

"or to the Commissioner of Taxes of any State".

10. (1) In addition to income tax at the rates prescribed by section 20 of the principal Act there shall be payable a super tax equal to twenty-five per centum of the total amount of such income tax, which super tax shall be added to and shall form part of such income tax.

(2) The super tax imposed by this section shall be collected in respect of income tax on incomes accrued during the period of twelve months ended on the thirtieth day of June, nineteen hundred and twenty-nine.

(3) For
(3) For the purposes of sections 34, 34a, 42, 115, and 116 of the principal Act the term "rates in force" shall mean the rates as increased by any super tax in force at the material time.

11. (1) In addition to the taxes on land at the rates prescribed by section 11 of the principal Act there shall be payable a super tax equal to twenty-five per centum of the total amount of such taxes on land, which super tax shall be deemed to be land tax under the principal Act.

(2) The super tax imposed by this section shall be collected only in respect of the taxes on land payable in aid of the General Revenue of the State for the financial year ending on the thirtieth day of June, nineteen hundred and thirty.

12. This Act shall be deemed to have commenced on the first day of July, nineteen hundred and twenty-nine, and shall apply in respect of the tax upon income accrued during the period of twelve months immediately preceding the said first day of July, and subject to the limitations in sections 10 and 11, in respect of tax upon income accruing thereafter.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Deputy Governor.