

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 November, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to amend the Pay-roll Tax Act, 1971, with respect to deductions from taxable wages liable to pay-roll tax.

BE

Pay-roll Tax (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pay-roll Tax Short title. (Amendment) Act, 1976".

2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

10 (2) Except as provided in subsection (3), section 3, in its application to each provision of Schedule 1, shall commence on 1st January, 1977.

(3) Section 3, in its application to Schedule 1 (12), shall be deemed to have commenced on 1st September, 1971.

15 (4) Sections 4 and 5 shall commence on 1st January, 1977.

3. The Pay-roll Tax Act, 1971, is amended in the manner Amendment
set forth in Schedule 1. of Act
No. 22,
1971.

20 4. The power conferred on the Commissioner by section Transitional
12 (2) of the Pay-roll Tax Act, 1971, extends to authorising provision.
the Commissioner to cancel the registration of a person as an employer where that person was not, immediately before 1st January, 1977, an employer paying wages as referred to in section 12 (1) of that Act, as amended by the Pay-roll Tax
25 (Amendment) Act, 1975, and this Act.

Pay-roll Tax (Amendment).

5. Without limiting the application of the Interpretation **Saving.**
Act, 1897, the amendments and repeals effected by this Act
do not, except where otherwise specifically provided, affect any
duty, obligation, liability, benefit or right imposed, created,
5 incurred or existing in respect of wages that were paid or
payable before 1st July, 1976.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971.

(1) Section 6 (1)—

10 Omit :—

New South Wales,
except wages that—

(d) are paid after the month of August, one
thousand nine hundred and seventy-one, but
15 were payable during or before that month;
and

(e) have been included in a return made under
the Commonwealth Act.

insert instead "New South Wales."

20 (2) Section 9—

Omit the section.

(3) Section 9A (2)—

25 After "return period" where secondly occurring, insert
"but does not apply so as to authorise a deduction
to be made for any return period that commences
after the month of December, 1976".

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(4) Section 9B—

5 After section 9A, insert :—

9B. (1) In this section—

“interstate wages” does not include interstate wages paid or payable by a member of a group;

Deduction
from taxable
wages after
1st January,
1977.

10 “prescribed amount”—

(a) in relation to a return for a return period of one month, means \$4,000; and

15 (b) in relation to a return for a return period of two or more months, means the product ascertained by multiplying \$4,000 by the number of months in that return period;

20 “taxable wages” does not include taxable wages paid or payable by a member of a group.

25 (2) This section applies only so as to authorise a deduction to be made for a return period that is after the month of December, 1976, from the taxable wages included in a return or assessment relating to that return period.

30 (3) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay taxable wages for the whole of a return period, but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 return or an assessment relating to that return period)
the prescribed amount, reduced by \$2 for each \$3
(disregarding any remainder) by which the amount
of those taxable wages (in whole dollars) exceeds the
prescribed amount.

10 (4) For the purpose of ascertaining the
pay-roll tax payable by an employer who pays or is
liable to pay wages during a return period and pays
or is liable to pay taxable wages for part only of that
return period, but does not pay and is not liable to
15 pay interstate wages during that return period, there
shall be deducted, for that return period, from the
amount of the taxable wages included in a return
made by, or an assessment relating to, that employer
(being a return or an assessment relating to that
return period) the amount that bears to the prescribed
20 amount the same proportion as the number of days
in that part of that return period bears to the total
number of days in that return period, reduced by \$2
for each \$3 (disregarding any remainder) by which
the amount of those taxable wages (in whole dollars)
25 exceeds the same proportion of the prescribed amount.

(5) An employer who during any return
period pays or is liable to pay taxable wages and
interstate wages may, by notice in writing in the
prescribed form containing the prescribed particulars,
30 served on the Commissioner, nominate an amount,
calculated in the prescribed manner, not exceeding
the prescribed amount, as the deduction that he
claims to be entitled to make for that return period
and for subsequent return periods.

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 (6) For the purpose of ascertaining the pay-
roll tax payable by an employer who has served on
the Commissioner a notice under subsection (5), there
shall, subject to subsection (7), be deducted, for a
return period (being the return period ending last
10 before the day on which he served that notice on the
Commissioner or any subsequent return period), from
the amount of the taxable wages included in a return
made by, or an assessment relating to, that employer
(being a return or an assessment relating to any such
return period) the amount nominated in that notice.

15 (7) The Commissioner may, on an application
made to him in writing by an employer who pays or
is liable to pay taxable wages and interstate wages
during any return period or of his own motion in
relation to such an employer, at any time, make a
20 determination specifying an amount, not exceeding the
prescribed amount, that may be deducted for any
return period specified or referred to in the determina-
tion (being a return period commencing before, but
not before 1st January, 1977, or after, or the return
25 period in which, the determination is made) from
the taxable wages included in a return made by,
or an assessment relating to, that employer (being a
return or an assessment relating to any such return
period) and there shall be deducted, for any such
30 return period, from the amount of the taxable wages
included in a return made by, or an assessment relating
to, that employer (being a return or an assessment
relating to any such return period) the amount so
specified.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 (8) The Commissioner may, at any time, by
instrument in writing, revoke a determination made
under subsection (7) and any such revocation shall
have effect as on and from the first day of the return
period specified in the instrument, whether that return
10 period is before, but not before the date of the
determination, or after, or the return period in which,
the instrument is executed by him.

15 (9) The Commissioner shall, as soon as
practicable after making a determination under sub-
section (7) or a revocation under subsection (8),
serve notice of the determination or revocation on the
employer concerned.

(5) Section 11—
Omit the section.

20 (6) (a) Section 11A, definition of “financial year”—
Omit the definition.

(b) Section 11A (1A)—
After section 11A (1), insert :—

25 (1A) In sections 11B and 11C, “financial
year” means the financial year commencing on
1st July, 1976, and each financial year thereafter.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(c) Section 11A (2), (2A)—

5 Omit section 11A (2), insert instead :—

(2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} - \frac{2}{3} \left\{ (TW + IW) - \left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} \right\} \right]$$

15 where—

TW is the total of the taxable wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

20 IW is the total of the interstate wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

25 A is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st July, 1976, and ending on 31st December, 1976; and

30 B is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st January, 1977, and ending on 30th June, 1977.

SCHEDULE

*Pay-roll Tax (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

- 5 (2A) For the purposes of the financial year commencing on 1st July, 1977, and each financial year thereafter, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left\{ (TW + IW) - \frac{48000C}{D} \right\} \right]$$

10 where—

- 15 TW is the total of the taxable wages paid or payable by the employer during the financial year;

- 20 IW is the total of the interstate wages paid or payable by the employer during the financial year;

C is the number of days in the financial year in respect of which wages (disregarding foreign wages) were paid or payable by the employer; and

- 25 D is the number of days in the financial year.

(d) Section 11A (4)—

Omit the subsection.

(7) Section 11B (2)—

Omit “commencing on or after 1st January, 1976”.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(8) (a) Section 12 (1), (2A)—

5 Omit "\$800" wherever occurring, insert instead
"\$900".

(b) Section 12 (2) (a)—

Omit "or".

(c) Section 12 (2) (b) (ii)—

10 Omit "(1).", insert instead "(1); or".

(d) Section 12 (2) (c)—

After section 12 (2) (b), insert :—

15 (c) that person, although remaining a
member of a group, does not pay and is
not liable to pay wages as referred to in
subsection (1).

(9) (a) Section 16i (1)—

20 Omit "an amount, calculated in the prescribed
manner, not exceeding the prescribed amount
as defined in section 9A (1), as the deduction
to be made for any return period in relation
to which that designated group employer is
required to furnish returns under this Act", insert
instead :—

25 , as the deduction to be made for any
return period in relation to which that
designated group employer is required
to furnish returns under this Act, an

SCHEDULE

*Pay-roll Tax (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

amount, calculated in the prescribed manner, not exceeding—

5

(a) where the return period ends not later than 31st December, 1976, the prescribed amount as defined in section 9A (1); or

10

(b) where the return period commences on or after 1st January, 1977, the prescribed amount as defined in section 9B (1).

(b) Section 16i (4)—

15

Omit “the prescribed amount as defined in section 9A (1)”, insert instead “the appropriate prescribed amount referred to in subsection (1) (a) or (b)”.

(c) Section 16i (4)—

20

Omit “, but not before 1st January, 1976,”.

(10) Section 16j—

Omit the section, insert instead :—

25 16J. (1) In sections 16K and 16L, “financial year” means the financial year commencing on 1st July, 1976, and each financial year thereafter. “Prescribed amount” for purposes of sections 16K and 16L.

30 (2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 16K and 16L to the “prescribed amount” is, in relation to a designated group employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} - \frac{2}{3} \left\{ (TW + IW) - \left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} \right\} \right]$$

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

where—

5 TW is the total of the taxable wages paid or
payable by the members of the group, in
respect of which that designated group
employer is the designated group
10 employer, during the financial year
commencing on 1st July, 1976;

IW is the total of the interstate wages paid or
payable by the members of that group
during the financial year commencing on
1st July, 1976;

15 A is the number of days in that part of the
period commencing on 1st July, 1976,
and ending on 31st December, 1976,
for which that designated group employer
was the designated group employer in
20 respect of that group, reduced by the
number of days, if any, during that part
in respect of which no wages (disregard-
ing foreign wages) were paid or payable
by any member of that group; and

25 B is the number of days in that part of the
period commencing on 1st January, 1977,
and ending on 30th June, 1977, for which
that designated group employer was the
designated group employer in respect of
30 that group, reduced by the number of
days, if any, during that part in respect
of which no wages (disregarding foreign
wages) were paid or payable by any
member of that group.

SCHEDULE

*Pay-roll Tax (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 (3) For the purposes of the financial
year commencing on 1st July, 1977, and each
financial year thereafter, a reference in sections
16K and 16L to the "prescribed amount" is, in
relation to a designated group employer, a
reference to the amount calculated in accordance
10 with the following formula :—

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left\{ (TW + IW) - \frac{48000C}{D} \right\} \right]$$

where—

15 TW is the total of the taxable wages paid or
payable by the members of the group, in
respect of which that designated group
employer is the designated group
employer, during the financial year;

20 IW is the total of the interstate wages paid or
payable by the members of that group
during the financial year;

25 C is the number of days in that part of the
financial year for which that designated
group employer was the designated group
employer in respect of that group,
reduced by the number of days, if any,
during that part in respect of which no
wages (disregarding foreign wages) were
30 paid or payable by any member of that
group; and

D is the number of days in the financial year.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

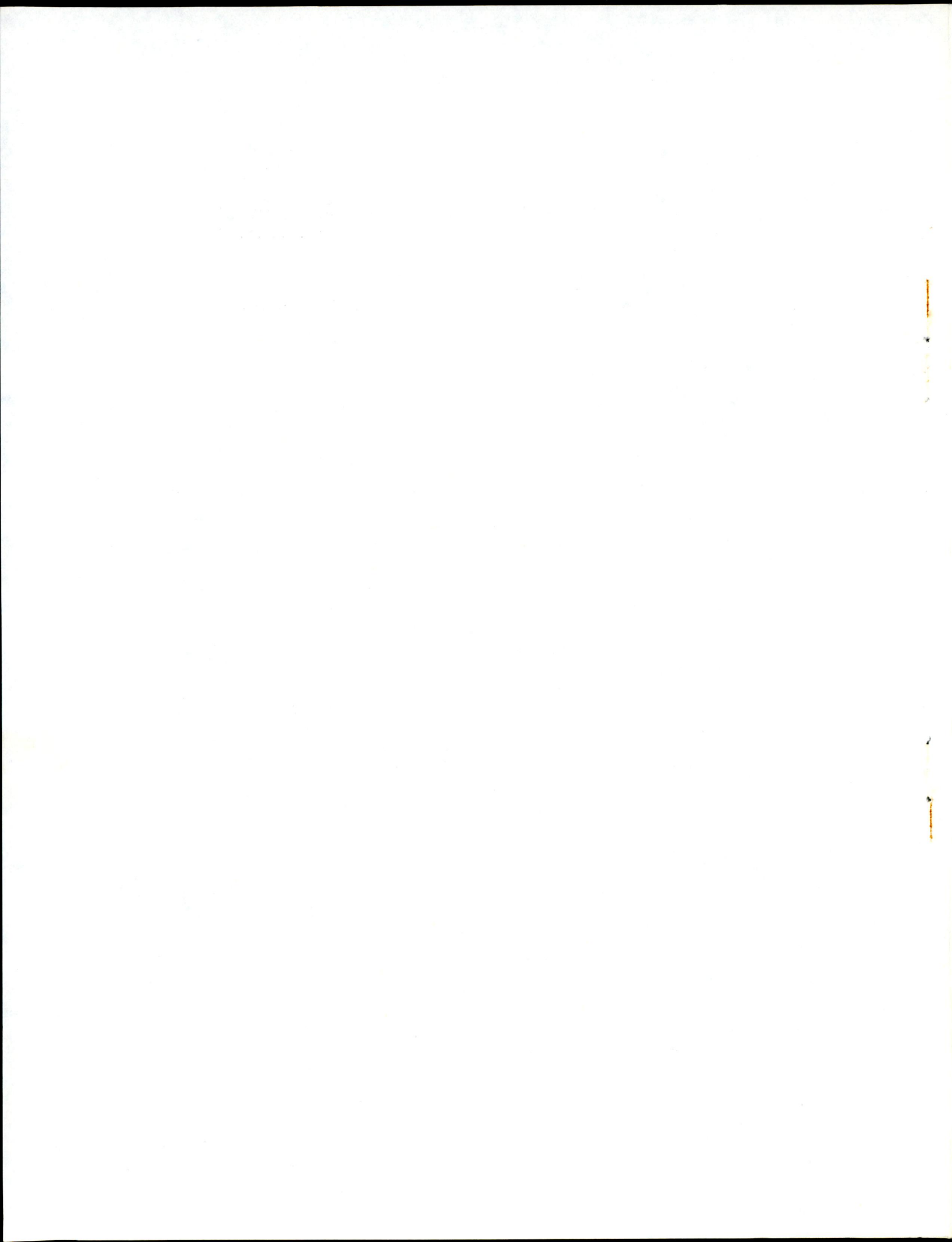
- (11) Section 16K (4), (5)—
5 Omit “commencing on or after 1st January, 1976.”
- (12) Section 19—
Omit “two”, insert instead “six”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[16c]





No. , 1976.

A BILL

To amend the Pay-roll Tax Act, 1971, with respect to deductions from taxable wages liable to pay-roll tax.

[Mr RENSRAW—16 November, 1976.]

BE

Pay-roll Tax (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pay-roll Tax Short title. (Amendment) Act, 1976".

2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

10 (2) Except as provided in subsection (3), section 3, in its application to each provision of Schedule 1, shall commence on 1st January, 1977.

(3) Section 3, in its application to Schedule 1 (12), shall be deemed to have commenced on 1st September, 1971.

15 (4) Sections 4 and 5 shall commence on 1st January, 1977.

3. The Pay-roll Tax Act, 1971, is amended in the manner Amendment
set forth in Schedule 1. of Act
No. 22,
1971.

20 4. The power conferred on the Commissioner by section Transitional
12 (2) of the Pay-roll Tax Act, 1971, extends to authorising provision.
the Commissioner to cancel the registration of a person as an employer where that person was not, immediately before 1st January, 1977, an employer paying wages as referred to in section 12 (1) of that Act, as amended by the Pay-roll Tax
25 (Amendment) Act, 1975, and this Act.

Pay-roll Tax (Amendment).

5. Without limiting the application of the Interpretation Act, 1897, the amendments and repeals effected by this Act do not, except where otherwise specifically provided, affect any duty, obligation, liability, benefit or right imposed, created, incurred or existing in respect of wages that were paid or payable before 1st July, 1976.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971.

(1) Section 6 (1)—

10 Omit :—

New South Wales,
except wages that—

15 (d) are paid after the month of August, one thousand nine hundred and seventy-one, but were payable during or before that month; and

(e) have been included in a return made under the Commonwealth Act.

insert instead "New South Wales."

20 (2) Section 9—

Omit the section.

(3) Section 9A (2)—

25 After "return period" where secondly occurring, insert "but does not apply so as to authorise a deduction to be made for any return period that commences after the month of December, 1976".

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(4) Section 9B—

5 After section 9A, insert :—

9B. (1) In this section—

“interstate wages” does not include interstate wages after 1st January, 1977.
wages paid or payable by a member of a group;

10 “prescribed amount”—

(a) in relation to a return for a return period of one month, means \$4,000; and

15 (b) in relation to a return for a return period of two or more months, means the product ascertained by multiplying \$4,000 by the number of months in that return period;

20 “taxable wages” does not include taxable wages paid or payable by a member of a group.

25 (2) This section applies only so as to authorise a deduction to be made for a return period that is after the month of December, 1976, from the taxable wages included in a return or assessment relating to that return period.

30 (3) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay taxable wages for the whole of a return period, but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 return or an assessment relating to that return period)
the prescribed amount, reduced by \$2 for each \$3
(disregarding any remainder) by which the amount
of those taxable wages (in whole dollars) exceeds the
prescribed amount.

10 (4) For the purpose of ascertaining the
pay-roll tax payable by an employer who pays or is
liable to pay wages during a return period and pays
or is liable to pay taxable wages for part only of that
return period, but does not pay and is not liable to
15 pay interstate wages during that return period, there
shall be deducted, for that return period, from the
amount of the taxable wages included in a return
made by, or an assessment relating to, that employer
(being a return or an assessment relating to that
return period) the amount that bears to the prescribed
20 amount the same proportion as the number of days
in that part of that return period bears to the total
number of days in that return period, reduced by \$2
for each \$3 (disregarding any remainder) by which
the amount of those taxable wages (in whole dollars)
25 exceeds the same proportion of the prescribed amount.

(5) An employer who during any return
period pays or is liable to pay taxable wages and
interstate wages may, by notice in writing in the
prescribed form containing the prescribed particulars,
30 served on the Commissioner, nominate an amount,
calculated in the prescribed manner, not exceeding
the prescribed amount, as the deduction that he
claims to be entitled to make for that return period
and for subsequent return periods.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 (6) For the purpose of ascertaining the pay-
roll tax payable by an employer who has served on
the Commissioner a notice under subsection (5), there
shall, subject to subsection (7), be deducted, for a
return period (being the return period ending last
10 before the day on which he served that notice on the
Commissioner or any subsequent return period), from
the amount of the taxable wages included in a return
made by, or an assessment relating to, that employer
(being a return or an assessment relating to any such
return period) the amount nominated in that notice.

15 (7) The Commissioner may, on an application
made to him in writing by an employer who pays or
is liable to pay taxable wages and interstate wages
during any return period or of his own motion in
relation to such an employer, at any time, make a
20 determination specifying an amount, not exceeding the
prescribed amount, that may be deducted for any
return period specified or referred to in the determina-
tion (being a return period commencing before, but
not before 1st January, 1977, or after, or the return
25 period in which, the determination is made) from
the taxable wages included in a return made by,
or an assessment relating to, that employer (being a
return or an assessment relating to any such return
period) and there shall be deducted, for any such
30 return period, from the amount of the taxable wages
included in a return made by, or an assessment relating
to, that employer (being a return or an assessment
relating to any such return period) the amount so
specified.

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 (8) The Commissioner may, at any time, by
instrument in writing, revoke a determination made
under subsection (7) and any such revocation shall
have effect as on and from the first day of the return
period specified in the instrument, whether that return
10 period is before, but not before the date of the
determination, or after, or the return period in which,
the instrument is executed by him.

15 (9) The Commissioner shall, as soon as
practicable after making a determination under sub-
section (7) or a revocation under subsection (8),
serve notice of the determination or revocation on the
employer concerned.

(5) Section 11—
Omit the section.

20 (6) (a) Section 11A, definition of “financial year”—
Omit the definition.

(b) Section 11A (1A)—
After section 11A (1), insert :—

25 (1A) In sections 11B and 11C, “financial
year” means the financial year commencing on
1st July, 1976, and each financial year thereafter.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(c) Section 11A (2), (2A)—

5 Omit section 11A (2), insert instead :—

(2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left(\frac{20800A}{184} + \frac{24000B}{181} \right) - \frac{2}{3} \left\{ (TW + IW) - \left(\frac{20800A}{184} + \frac{24000B}{181} \right) \right\} \right]$$

15 where—

TW is the total of the taxable wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

20 IW is the total of the interstate wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

25 A is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st July, 1976, and ending on 31st December, 1976; and

30 B is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st January, 1977, and ending on 30th June, 1977.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

- 5 (2A) For the purposes of the financial year commencing on 1st July, 1977, and each financial year thereafter, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—
- 10

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left((TW + IW) - \frac{48000C}{D} \right) \right]$$

where—

- 15 TW is the total of the taxable wages paid or payable by the employer during the financial year;
- 20 IW is the total of the interstate wages paid or payable by the employer during the financial year;
- C is the number of days in the financial year in respect of which wages (disregarding foreign wages) were paid or payable by the employer; and
- 25 D is the number of days in the financial year.

(d) Section 11A (4)—

Omit the subsection.

(7) Section 11B (2)—

Omit “commencing on or after 1st January, 1976”.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

- (8) (a) Section 12 (1), (2A)—
5 Omit “\$800” wherever occurring, insert instead
“\$900”.
- (b) Section 12 (2) (a)—
Omit “or”.
- (c) Section 12 (2) (b) (ii)—
10 Omit “(1).”, insert instead “(1); or”.
- (d) Section 12 (2) (c)—
After section 12 (2) (b), insert :—
15 (c) that person, although remaining a
member of a group, does not pay and is
not liable to pay wages as referred to in
subsection (1).
- (9) (a) Section 16i (1)—
20 Omit “an amount, calculated in the prescribed
manner, not exceeding the prescribed amount
as defined in section 9A (1), as the deduction
to be made for any return period in relation
to which that designated group employer is
required to furnish returns under this Act”, insert
instead :—
25 , as the deduction to be made for any
return period in relation to which that
designated group employer is required
to furnish returns under this Act, an

*Pay-roll Tax (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

amount, calculated in the prescribed manner, not exceeding—

5

(a) where the return period ends not later than 31st December, 1976, the prescribed amount as defined in section 9A (1); or

10

(b) where the return period commences on or after 1st January, 1977, the prescribed amount as defined in section 9B (1).

(b) Section 16I (4)—

15

Omit “the prescribed amount as defined in section 9A (1)”, insert instead “the appropriate prescribed amount referred to in subsection (1) (a) or (b)”.

(c) Section 16I (4)—

20

Omit “, but not before 1st January, 1976.”.

(10) Section 16J—

Omit the section, insert instead :—

25

16J. (1) In sections 16K and 16L, “financial year” means the financial year commencing on 1st July, 1976, and each financial year thereafter. “Prescribed amount” for purposes of sections 16K and 16L.

30

(2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 16K and 16L to the “prescribed amount” is, in relation to a designated group employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} - \frac{2}{3} \left\{ (TW + IW) - \left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} \right\} \right]$$

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

where—

5 TW is the total of the taxable wages paid or
payable by the members of the group, in
respect of which that designated group
10 employer is the designated group
employer, during the financial year
commencing on 1st July, 1976;

IW is the total of the interstate wages paid or
payable by the members of that group
during the financial year commencing on
1st July, 1976;

15 A is the number of days in that part of the
period commencing on 1st July, 1976,
and ending on 31st December, 1976,
for which that designated group employer
was the designated group employer in
20 respect of that group, reduced by the
number of days, if any, during that part
in respect of which no wages (disregard-
ing foreign wages) were paid or payable
by any member of that group; and

25 B is the number of days in that part of the
period commencing on 1st January, 1977,
and ending on 30th June, 1977, for which
that designated group employer was the
designated group employer in respect of
30 that group, reduced by the number of
days, if any, during that part in respect
of which no wages (disregarding foreign
wages) were paid or payable by any
member of that group.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

- 5 (3) For the purposes of the financial
year commencing on 1st July, 1977, and each
financial year thereafter, a reference in sections
16K and 16L to the “prescribed amount” is, in
relation to a designated group employer, a
reference to the amount calculated in accordance
10 with the following formula :—

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left((TW + IW) - \frac{48000C}{D} \right) \right]$$

where—

- 15 TW is the total of the taxable wages paid or
payable by the members of the group, in
respect of which that designated group
employer is the designated group
employer, during the financial year;
- 20 IW is the total of the interstate wages paid or
payable by the members of that group
during the financial year;
- 25 C is the number of days in that part of the
financial year for which that designated
group employer was the designated group
employer in respect of that group,
reduced by the number of days, if any,
during that part in respect of which no
wages (disregarding foreign wages) were
30 paid or payable by any member of that
group; and

D is the number of days in the financial year.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

- (11) Section 16K (4), (5)—
5 Omit “commencing on or after 1st January, 1976,”.
- (12) Section 19—
Omit “two”, insert instead “six”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

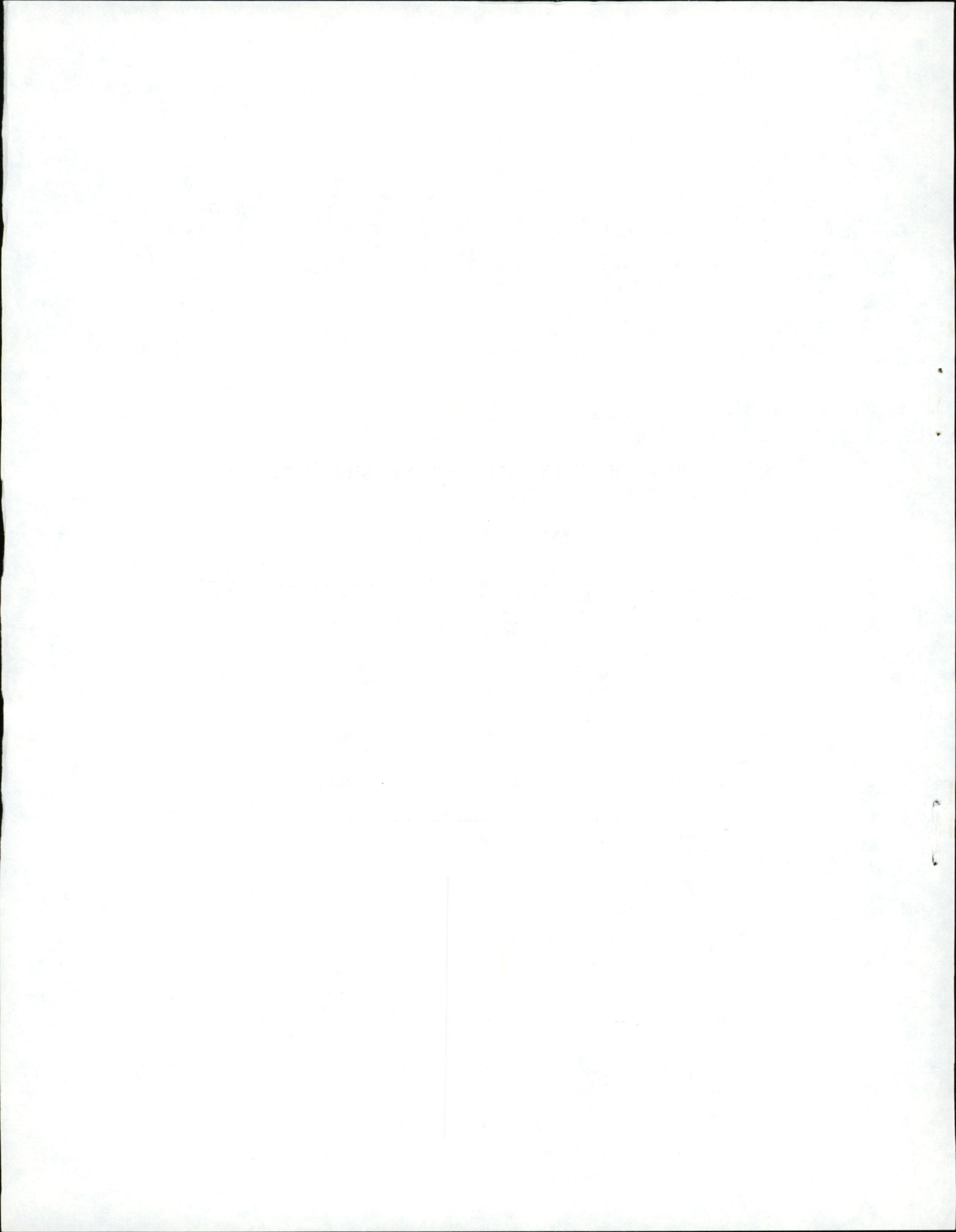
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PROOF

PAY-ROLL TAX (AMENDMENT) BILL, 1976

EXPLANATORY NOTE

THE object of this Bill is to extend the range of the tapered exemptions from pay-roll tax under the Pay-roll Tax Act, 1971, so that the range is between \$48,000 and \$120,000 instead of \$41,600 and \$104,000 and to make other amendments of a minor or ancillary character.



PROOF

No. , 1976.

A BILL

To amend the Pay-roll Tax Act, 1971, with respect to deductions from taxable wages liable to pay-roll tax.

[Mr RENSRAW—16 November, 1976.]

BE

Pay-roll Tax (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pay-roll Tax Short title. (Amendment) Act, 1976".

2. (1) This section and section 1 shall commence on the date of assent to this Act. **Commence-
ment.**

10 (2) Except as provided in subsection (3), section 3, in its application to each provision of Schedule 1, shall commence on 1st January, 1977.

(3) Section 3, in its application to Schedule 1 (12), shall be deemed to have commenced on 1st September, 1971.

15 (4) Sections 4 and 5 shall commence on 1st January, 1977.

3. The Pay-roll Tax Act, 1971, is amended in the manner set forth in Schedule 1. **Amendment
of Act
No. 22,
1971.**

4. The power conferred on the Commissioner by section 12 (2) of the Pay-roll Tax Act, 1971, extends to authorising the Commissioner to cancel the registration of a person as an employer where that person was not, immediately before 1st January, 1977, an employer paying wages as referred to in section 12 (1) of that Act, as amended by the Pay-roll Tax (Amendment) Act, 1975, and this Act. **Transitional
provision.**

20
25

Pay-roll Tax (Amendment).

5. Without limiting the application of the Interpretation **Saving.** Act, 1897, the amendments and repeals effected by this Act do not, except where otherwise specifically provided, affect any duty, obligation, liability, benefit or right imposed, created, 5 incurred or existing in respect of wages that were paid or payable before 1st July, 1976.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971.

(1) Section 6 (1)—

10 Omit :—

New South Wales,
except wages that—

15 (d) are paid after the month of August, one thousand nine hundred and seventy-one, but were payable during or before that month; and

(e) have been included in a return made under the Commonwealth Act.

insert instead "New South Wales."

20 (2) Section 9—

Omit the section.

(3) Section 9A (2)—

25 After "return period" where secondly occurring, insert "but does not apply so as to authorise a deduction to be made for any return period that commences after the month of December, 1976".

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(4) Section 9B—

5 After section 9A, insert :—

9B. (1) In this section—

“interstate wages” does not include interstate wages paid or payable by a member of a group;

Deduction
from taxable
wages after
1st January,
1977.

10 “prescribed amount”—

(a) in relation to a return for a return period of one month, means \$4,000; and

15 (b) in relation to a return for a return period of two or more months, means the product ascertained by multiplying \$4,000 by the number of months in that return period;

20 “taxable wages” does not include taxable wages paid or payable by a member of a group.

25 (2) This section applies only so as to authorise a deduction to be made for a return period that is after the month of December, 1976, from the taxable wages included in a return or assessment relating to that return period.

30 (3) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay taxable wages for the whole of a return period, but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 return or an assessment relating to that return period)
the prescribed amount, reduced by \$2 for each \$3
(disregarding any remainder) by which the amount
of those taxable wages (in whole dollars) exceeds the
prescribed amount.

10 (4) For the purpose of ascertaining the
pay-roll tax payable by an employer who pays or is
liable to pay wages during a return period and pays
or is liable to pay taxable wages for part only of that
return period, but does not pay and is not liable to
15 pay interstate wages during that return period, there
shall be deducted, for that return period, from the
amount of the taxable wages included in a return
made by, or an assessment relating to, that employer
(being a return or an assessment relating to that
return period) the amount that bears to the prescribed
20 amount the same proportion as the number of days
in that part of that return period bears to the total
number of days in that return period, reduced by \$2
for each \$3 (disregarding any remainder) by which
the amount of those taxable wages (in whole dollars)
25 exceeds the same proportion of the prescribed amount.

(5) An employer who during any return
period pays or is liable to pay taxable wages and
interstate wages may, by notice in writing in the
prescribed form containing the prescribed particulars,
30 served on the Commissioner, nominate an amount,
calculated in the prescribed manner, not exceeding
the prescribed amount, as the deduction that he
claims to be entitled to make for that return period
and for subsequent return periods.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 (6) For the purpose of ascertaining the pay-
roll tax payable by an employer who has served on
the Commissioner a notice under subsection (5), there
shall, subject to subsection (7), be deducted, for a
return period (being the return period ending last
10 before the day on which he served that notice on the
Commissioner or any subsequent return period), from
the amount of the taxable wages included in a return
made by, or an assessment relating to, that employer
(being a return or an assessment relating to any such
return period) the amount nominated in that notice.

15 (7) The Commissioner may, on an application
made to him in writing by an employer who pays or
is liable to pay taxable wages and interstate wages
during any return period or of his own motion in
relation to such an employer, at any time, make a
20 determination specifying an amount, not exceeding the
prescribed amount, that may be deducted for any
return period specified or referred to in the determina-
tion (being a return period commencing before, but
25 not before 1st January, 1977, or after, or the return
period in which, the determination is made) from
the taxable wages included in a return made by,
or an assessment relating to, that employer (being a
return or an assessment relating to any such return
30 period) and there shall be deducted, for any such
return period, from the amount of the taxable wages
included in a return made by, or an assessment relating
to, that employer (being a return or an assessment
relating to any such return period) the amount so
specified.

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 (8) The Commissioner may, at any time, by
instrument in writing, revoke a determination made
under subsection (7) and any such revocation shall
have effect as on and from the first day of the return
period specified in the instrument, whether that return
period is before, but not before the date of the
10 determination, or after, or the return period in which,
the instrument is executed by him.

15 (9) The Commissioner shall, as soon as
practicable after making a determination under sub-
section (7) or a revocation under subsection (8),
serve notice of the determination or revocation on the
employer concerned.

(5) Section 11—
Omit the section.

20 (6) (a) Section 11A, definition of “financial year”—
Omit the definition.

(b) Section 11A (1A)—
After section 11A (1), insert :—

25 (1A) In sections 11B and 11C, “financial
year” means the financial year commencing on
1st July, 1976, and each financial year thereafter.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(c) Section 11A (2), (2A)—

5 Omit section 11A (2), insert instead :—

(2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left(\frac{20800A}{184} + \frac{24000B}{181} \right) - \frac{2}{3} \left\{ (TW + IW) - \left(\frac{20800A}{184} + \frac{24000B}{181} \right) \right\} \right]$$

15 where—

TW is the total of the taxable wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

20 IW is the total of the interstate wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

25 A is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st July, 1976, and ending on 31st December, 1976; and

30 B is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st January, 1977, and ending on 30th June, 1977.

SCHEDULE

*Pay-roll Tax (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

5 (2A) For the purposes of the financial year commencing on 1st July, 1977, and each financial year thereafter, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left\{ (TW + IW) - \frac{48000C}{D} \right\} \right]$$

where—

15 TW is the total of the taxable wages paid or payable by the employer during the financial year;

20 IW is the total of the interstate wages paid or payable by the employer during the financial year;

C is the number of days in the financial year in respect of which wages (disregarding foreign wages) were paid or payable by the employer; and

25 D is the number of days in the financial year.

(d) Section 11A (4)—

Omit the subsection.

(7) Section 11B (2)—

Omit “commencing on or after 1st January, 1976”.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(8) (a) Section 12 (1), (2A)—

5 Omit “\$800” wherever occurring, insert instead
“\$900”.

(b) Section 12 (2) (a)—

Omit “or”.

(c) Section 12 (2) (b) (ii)—

10 Omit “(1).”, insert instead “(1); or”.

(d) Section 12 (2) (c)—

After section 12 (2) (b), insert :—

15 (c) that person, although remaining a
member of a group, does not pay and is
not liable to pay wages as referred to in
subsection (1).

(9) (a) Section 16i (1)—

20 Omit “an amount, calculated in the prescribed
manner, not exceeding the prescribed amount
as defined in section 9A (1), as the deduction
to be made for any return period in relation
to which that designated group employer is
required to furnish returns under this Act”, insert
instead :—

25 , as the deduction to be made for any
return period in relation to which that
designated group employer is required
to furnish returns under this Act, an

SCHEDULE

*Pay-roll Tax (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

amount, calculated in the prescribed manner, not exceeding—

5

(a) where the return period ends not later than 31st December, 1976, the prescribed amount as defined in section 9A (1); or

10

(b) where the return period commences on or after 1st January, 1977, the prescribed amount as defined in section 9B (1).

(b) Section 16I (4)—

15

Omit “the prescribed amount as defined in section 9A (1)”, insert instead “the appropriate prescribed amount referred to in subsection (1) (a) or (b)”.

(c) Section 16I (4)—

20

Omit “, but not before 1st January, 1976,”.

(10) Section 16J—

Omit the section, insert instead :—

25

16J. (1) In sections 16K and 16L, “financial year” means the financial year commencing on 1st July, 1976, and each financial year thereafter.

30

(2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 16K and 16L to the “prescribed amount” is, in relation to a designated group employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left(\frac{20800A}{184} + \frac{24000B}{181} \right) - \frac{2}{3} \left\{ (TW + IW) - \left(\frac{20800A}{184} + \frac{24000B}{181} \right) \right\} \right]$$

“Prescribed amount” for purposes of sections 16K and 16L.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

where—

- 5 TW is the total of the taxable wages paid or
payable by the members of the group, in
respect of which that designated group
employer is the designated group
10 employer, during the financial year
commencing on 1st July, 1976;
- IW is the total of the interstate wages paid or
payable by the members of that group
during the financial year commencing on
1st July, 1976;
- 15 A is the number of days in that part of the
period commencing on 1st July, 1976,
and ending on 31st December, 1976,
for which that designated group employer
was the designated group employer in
20 respect of that group, reduced by the
number of days, if any, during that part
in respect of which no wages (disregard-
ing foreign wages) were paid or payable
by any member of that group; and
- 25 B is the number of days in that part of the
period commencing on 1st January, 1977,
and ending on 30th June, 1977, for which
that designated group employer was the
designated group employer in respect of
30 that group, reduced by the number of
days, if any, during that part in respect
of which no wages (disregarding foreign
wages) were paid or payable by any
member of that group.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

- 5 (3) For the purposes of the financial
year commencing on 1st July, 1977, and each
financial year thereafter, a reference in sections
16K and 16L to the "prescribed amount" is, in
relation to a designated group employer, a
reference to the amount calculated in accordance
10 with the following formula :—

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left\{ (TW + IW) - \frac{48000C}{D} \right\} \right]$$

where—

- 15 TW is the total of the taxable wages paid or
payable by the members of the group, in
respect of which that designated group
employer is the designated group
employer, during the financial year;
- 20 IW is the total of the interstate wages paid or
payable by the members of that group
during the financial year;
- 25 C is the number of days in that part of the
financial year for which that designated
group employer was the designated group
employer in respect of that group,
reduced by the number of days, if any,
during that part in respect of which no
wages (disregarding foreign wages) were
30 paid or payable by any member of that
group; and
- D is the number of days in the financial year.

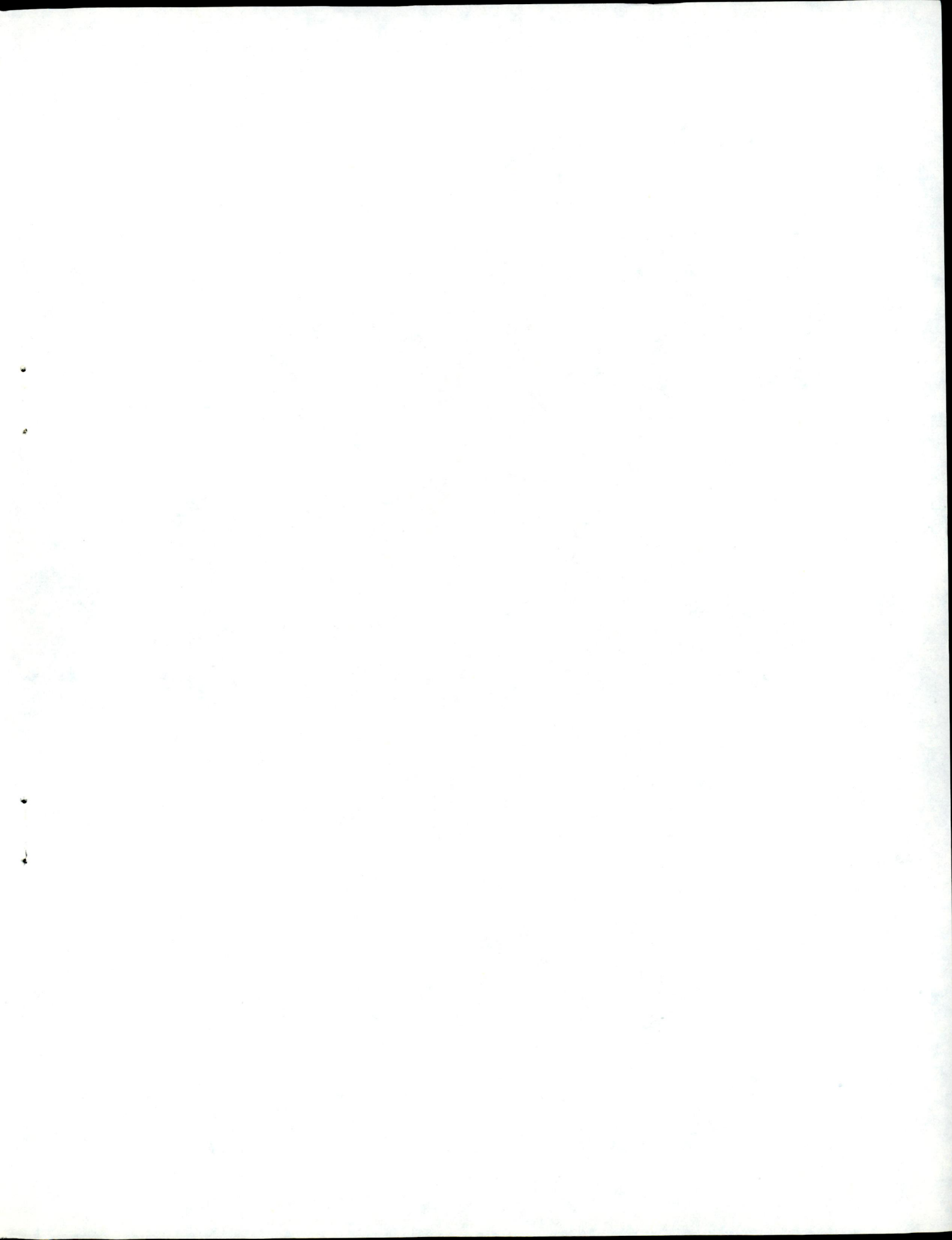
SCHEDULE

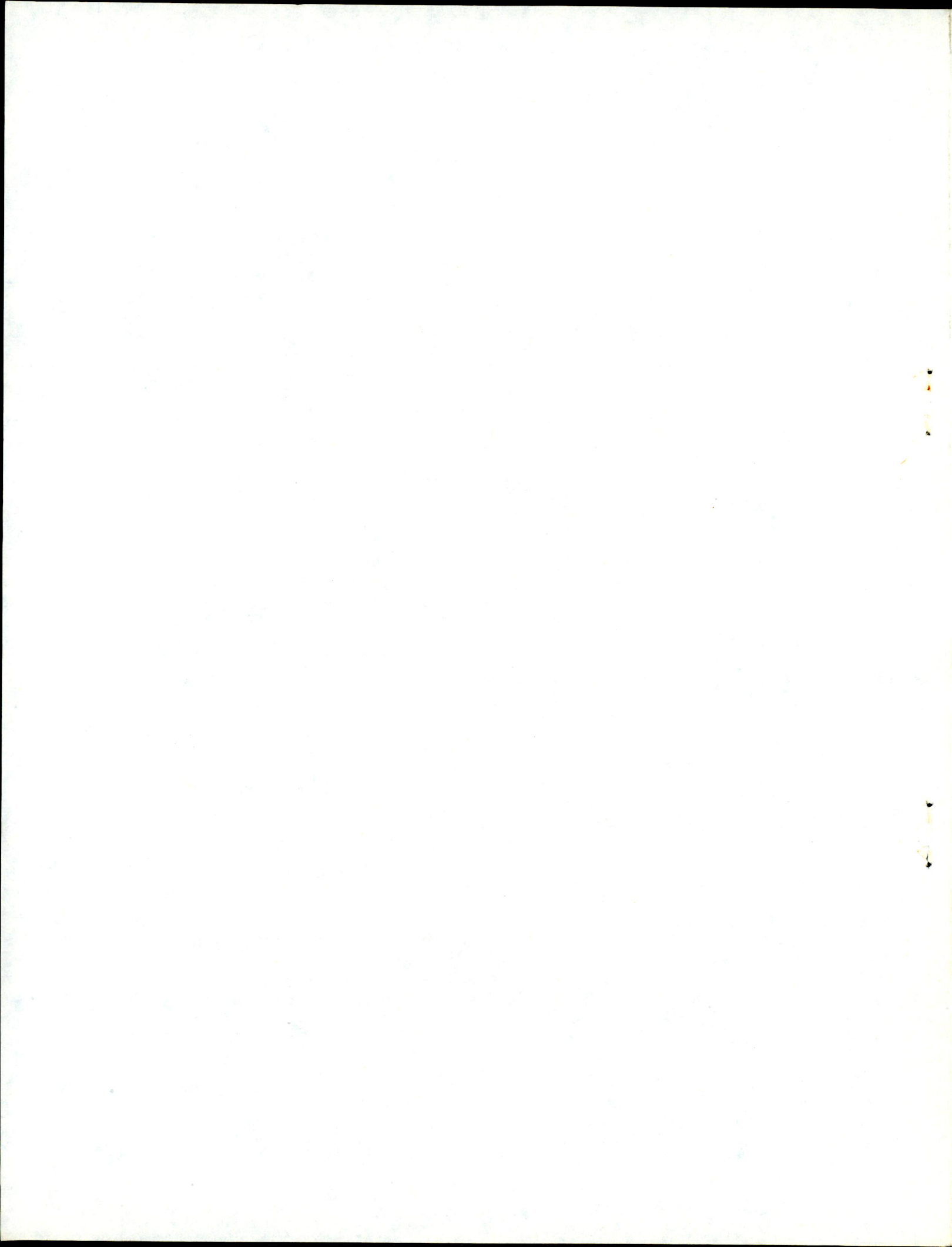
Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

- (11) Section 16K (4), (5)—
5 Omit “commencing on or after 1st January, 1976.”
- (12) Section 19—
Omit “two”, insert instead “six”.





Act No. 86, 1976
Pay-roll Tax (Amendment)

2

Short title:
(Amendment)

New South Wales



ANNO VICESIMO QUINTO
ELIZABETHÆ II REGINÆ

Act No. 86, 1976.

An Act to amend the Pay-roll Tax Act, 1971, with respect to deductions from taxable wages liable to pay-roll tax. [Assented to, 2nd December, 1976.]

Pay-roll Tax (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the "Pay-roll Tax (Amendment) Act, 1976".

**Commence-
ment.** **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (3), section 3, in its application to each provision of Schedule 1, shall commence on 1st January, 1977.

(3) Section 3, in its application to Schedule 1 (12), shall be deemed to have commenced on 1st September, 1971.

(4) Sections 4 and 5 shall commence on 1st January, 1977.

**Amendment
of Act
No. 22,
1971.** **3.** The Pay-roll Tax Act, 1971, is amended in the manner set forth in Schedule 1.

**Transitional
provision.** **4.** The power conferred on the Commissioner by section 12 (2) of the Pay-roll Tax Act, 1971, extends to authorising the Commissioner to cancel the registration of a person as an employer where that person was not, immediately before 1st January, 1977, an employer paying wages as referred to in section 12 (1) of that Act, as amended by the Pay-roll Tax (Amendment) Act, 1975, and this Act.

Pay-roll Tax (Amendment).

5. Without limiting the application of the Interpretation Act, 1897, the amendments and repeals effected by this Act do not, except where otherwise specifically provided, affect any duty, obligation, liability, benefit or right imposed, created, incurred or existing in respect of wages that were paid or payable before 1st July, 1976. **Saving.**

SCHEDULE 1.

Sec. 3. □

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971.

(1) Section 6 (1)—

Omit :—

New South Wales,
except wages that—

- (d) are paid after the month of August, one thousand nine hundred and seventy-one, but were payable during or before that month; and
- (e) have been included in a return made under the Commonwealth Act.

insert instead "New South Wales."

(2) Section 9—

Omit the section.

(3) Section 9A (2)—

After "return period" where secondly occurring, insert "but does not apply so as to authorise a deduction to be made for any return period that commences after the month of December, 1976".

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—continued.
**AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.**
(4) Section 9B—

After section 9A, insert :—

9B. (1) In this section—

“interstate wages” does not include interstate wages paid or payable by a member of a group;

“prescribed amount”—

(a) in relation to a return for a return period of one month, means \$4,000; and

(b) in relation to a return for a return period of two or more months, means the product ascertained by multiplying \$4,000 by the number of months in that return period;

“taxable wages” does not include taxable wages paid or payable by a member of a group.

(2) This section applies only so as to authorise a deduction to be made for a return period that is after the month of December, 1976, from the taxable wages included in a return or assessment relating to that return period.

(3) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay taxable wages for the whole of a return period, but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a

Deduction
from taxable
wages after
1st January,
1977.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

return or an assessment relating to that return period) the prescribed amount, reduced by \$2 for each \$3 (disregarding any remainder) by which the amount of those taxable wages (in whole dollars) exceeds the prescribed amount.

(4) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay wages during a return period and pays or is liable to pay taxable wages for part only of that return period, but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to that return period) the amount that bears to the prescribed amount the same proportion as the number of days in that part of that return period bears to the total number of days in that return period, reduced by \$2 for each \$3 (disregarding any remainder) by which the amount of those taxable wages (in whole dollars) exceeds the same proportion of the prescribed amount.

(5) An employer who during any return period pays or is liable to pay taxable wages and interstate wages may, by notice in writing in the prescribed form containing the prescribed particulars, served on the Commissioner, nominate an amount, calculated in the prescribed manner, not exceeding the prescribed amount, as the deduction that he claims to be entitled to make for that return period and for subsequent return periods.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(6) For the purpose of ascertaining the pay-roll tax payable by an employer who has served on the Commissioner a notice under subsection (5), there shall, subject to subsection (7), be deducted, for a return period (being the return period ending last before the day on which he served that notice on the Commissioner or any subsequent return period), from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) the amount nominated in that notice.

(7) The Commissioner may, on an application made to him in writing by an employer who pays or is liable to pay taxable wages and interstate wages during any return period or of his own motion in relation to such an employer, at any time, make a determination specifying an amount, not exceeding the prescribed amount, that may be deducted for any return period specified or referred to in the determination (being a return period commencing before, but not before 1st January, 1977, or after, or the return period in which, the determination is made) from the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) and there shall be deducted, for any such return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) the amount so specified.

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(8) The Commissioner may, at any time, by instrument in writing, revoke a determination made under subsection (7) and any such revocation shall have effect as on and from the first day of the return period specified in the instrument, whether that return period is before, but not before the date of the determination, or after, or the return period in which, the instrument is executed by him.

(9) The Commissioner shall, as soon as practicable after making a determination under subsection (7) or a revocation under subsection (8), serve notice of the determination or revocation on the employer concerned.

(5) Section 11—

Omit the section.

(6) (a) Section 11A, definition of “financial year”—

Omit the definition.

(b) Section 11A (1A)—

After section 11A (1), insert :—

(1A) In sections 11B and 11C, “financial year” means the financial year commencing on 1st July, 1976, and each financial year thereafter.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*
AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(c) Section 11A (2), (2A)—

Omit section 11A (2), insert instead :—

(2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} - \frac{2}{3} \{ (TW + IW) - \left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} \} \right]$$

where—

TW is the total of the taxable wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

IW is the total of the interstate wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

A is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st July, 1976, and ending on 31st December, 1976; and

B is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st January, 1977, and ending on 30th June, 1977.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*
 AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(2A) For the purposes of the financial year commencing on 1st July, 1977, and each financial year thereafter, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left\{ (TW + IW) - \frac{48000C}{D} \right\} \right]$$

where—

TW is the total of the taxable wages paid or payable by the employer during the financial year;

IW is the total of the interstate wages paid or payable by the employer during the financial year;

C is the number of days in the financial year in respect of which wages (disregarding foreign wages) were paid or payable by the employer; and

D is the number of days in the financial year.

(d) Section 11A (4)—

Omit the subsection.

(7) Section 11B (2)—

Omit “commencing on or after 1st January, 1976”.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*
 AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(8) (a) Section 12 (1), (2A)—

Omit “\$800” wherever occurring, insert instead “\$900”.

(b) Section 12 (2) (a)—

Omit “or”.

(c) Section 12 (2) (b) (ii)—

Omit “(1).”, insert instead “(1); or”.

(d) Section 12 (2) (c)—

After section 12 (2) (b), insert :—

(c) that person, although remaining a member of a group, does not pay and is not liable to pay wages as referred to in subsection (1).

(9) (a) Section 16I (1)—

Omit “an amount, calculated in the prescribed manner, not exceeding the prescribed amount as defined in section 9A (1), as the deduction to be made for any return period in relation to which that designated group employer is required to furnish returns under this Act”, insert instead :—

, as the deduction to be made for any return period in relation to which that designated group employer is required to furnish returns under this Act, an

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*
AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

amount, calculated in the prescribed manner, not exceeding—

- (a) where the return period ends not later than 31st December, 1976, the prescribed amount as defined in section 9A (1); or
- (b) where the return period commences on or after 1st January, 1977, the prescribed amount as defined in section 9B (1).

(b) Section 16i (4)—

Omit “the prescribed amount as defined in section 9A (1)”, insert instead “the appropriate prescribed amount referred to in subsection (1) (a) or (b)”.

(c) Section 16i (4)—

Omit “, but not before 1st January, 1976.”.

(10) Section 16j—

Omit the section, insert instead :—

16j. (1) In sections 16k and 16L, “financial year” means the financial year commencing on 1st July, 1976, and each financial year thereafter. “Prescribed amount” for purposes of sections 16k and 16L.

(2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 16k and 16L to the “prescribed amount” is, in relation to a designated group employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} - \frac{2}{3} \left\{ (TW + IW) - \left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} \right\} \right]$$

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

where—

TW is the total of the taxable wages paid or payable by the members of the group, in respect of which that designated group employer is the designated group employer, during the financial year commencing on 1st July, 1976;

IW is the total of the interstate wages paid or payable by the members of that group during the financial year commencing on 1st July, 1976;

A is the number of days in that part of the period commencing on 1st July, 1976, and ending on 31st December, 1976, for which that designated group employer was the designated group employer in respect of that group, reduced by the number of days, if any, during that part in respect of which no wages (disregarding foreign wages) were paid or payable by any member of that group; and

B is the number of days in that part of the period commencing on 1st January, 1977, and ending on 30th June, 1977, for which that designated group employer was the designated group employer in respect of that group, reduced by the number of days, if any, during that part in respect of which no wages (disregarding foreign wages) were paid or payable by any member of that group.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*
AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(3) For the purposes of the financial year commencing on 1st July, 1977, and each financial year thereafter, a reference in sections 16K and 16L to the “prescribed amount” is, in relation to a designated group employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left\{ (TW + IW) - \frac{48000C}{D} \right\} \right]$$

where—

TW is the total of the taxable wages paid or payable by the members of the group, in respect of which that designated group employer is the designated group employer, during the financial year;

IW is the total of the interstate wages paid or payable by the members of that group during the financial year;

C is the number of days in that part of the financial year for which that designated group employer was the designated group employer in respect of that group, reduced by the number of days, if any, during that part in respect of which no wages (disregarding foreign wages) were paid or payable by any member of that group; and

D is the number of days in the financial year.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(11) Section 16K (4), (5)—

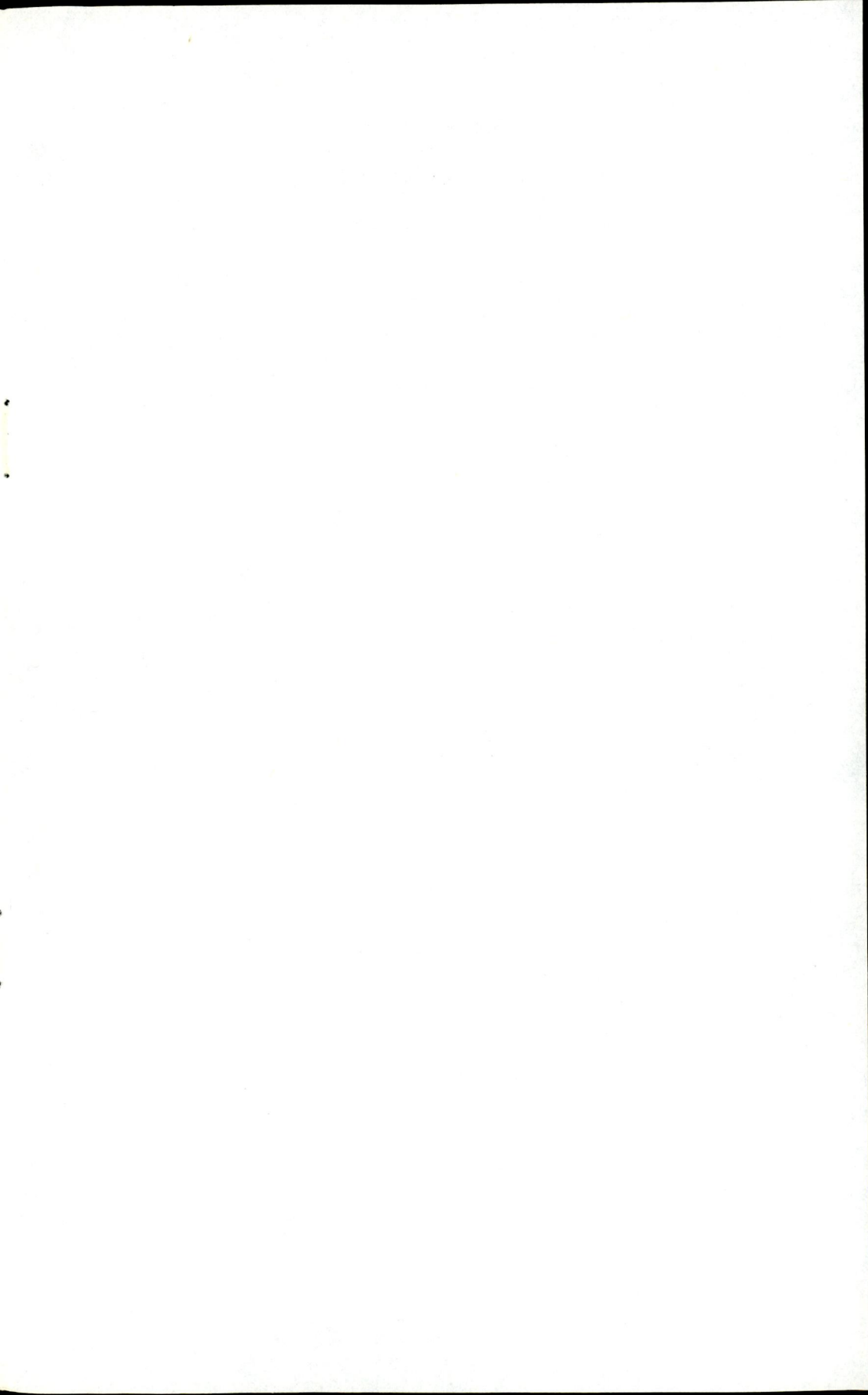
Omit “commencing on or after 1st January, 1976.”.

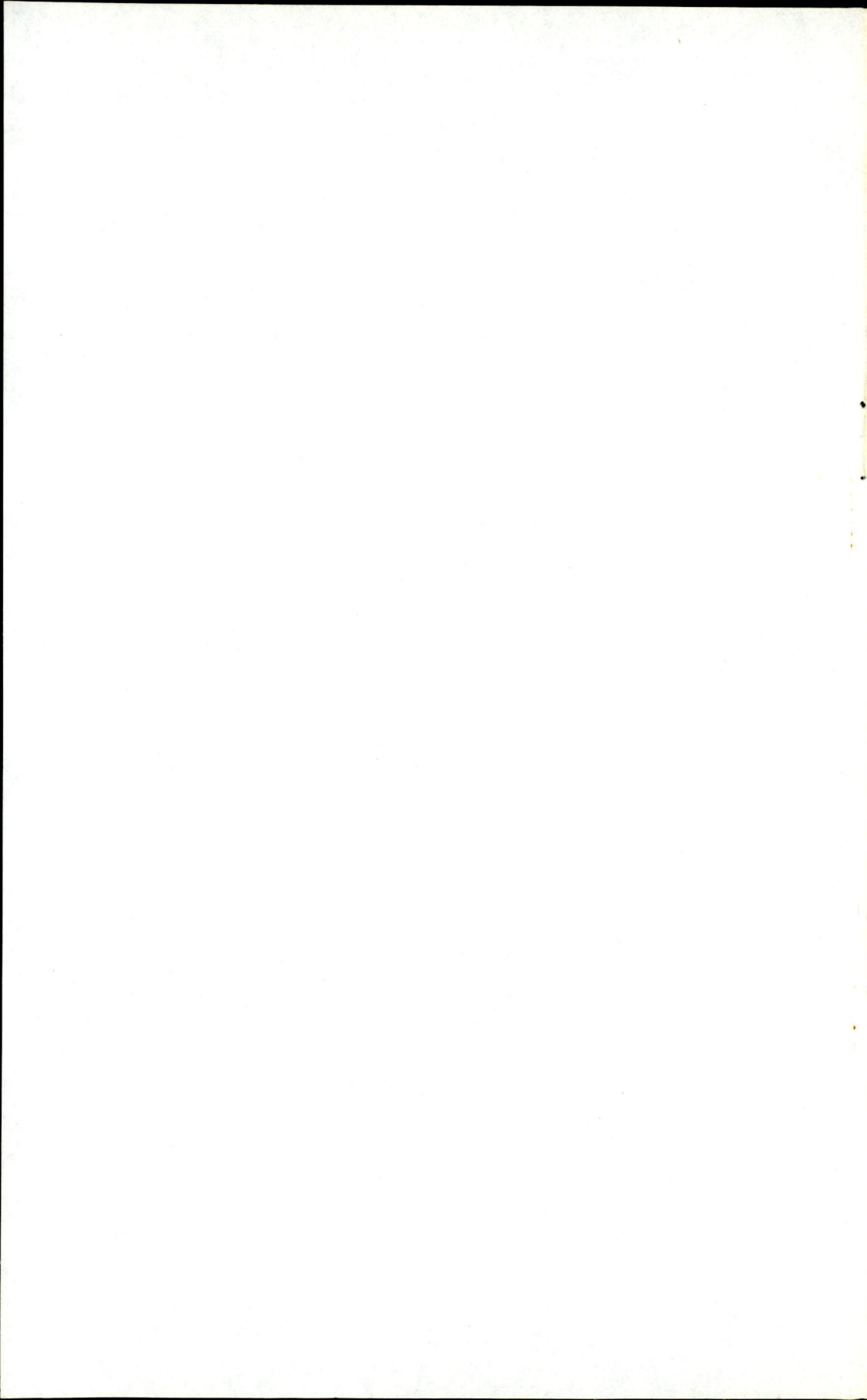
(12) Section 19—

Omit “two”, insert instead “six”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 November, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 86, 1976.

An Act to amend the Pay-roll Tax Act, 1971, with respect to deductions from taxable wages liable to pay-roll tax.
[Assented to, 2nd December, 1976.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Pay-roll Tax (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Pay-roll Tax (Amendment) Act, 1976".

**Commence-
ment.** 2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (3), section 3, in its application to each provision of Schedule 1, shall commence on 1st January, 1977.

(3) Section 3, in its application to Schedule 1 (12), shall be deemed to have commenced on 1st September, 1971.

(4) Sections 4 and 5 shall commence on 1st January, 1977.

**Amendment
of Act
No. 22,
1971.** 3. The Pay-roll Tax Act, 1971, is amended in the manner set forth in Schedule 1.

**Transitional
provision.** 4. The power conferred on the Commissioner by section 12 (2) of the Pay-roll Tax Act, 1971, extends to authorising the Commissioner to cancel the registration of a person as an employer where that person was not, immediately before 1st January, 1977, an employer paying wages as referred to in section 12 (1) of that Act, as amended by the Pay-roll Tax (Amendment) Act, 1975, and this Act.

Pay-roll Tax (Amendment).

5. Without limiting the application of the Interpretation **Saving.** Act, 1897, the amendments and repeals effected by this Act do not, except where otherwise specifically provided, affect any duty, obligation, liability, benefit or right imposed, created, incurred or existing in respect of wages that were paid or payable before 1st July, 1976.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971.

(1) Section 6 (1)—

Omit :—

New South Wales,
except wages that—

- (d) are paid after the month of August, one thousand nine hundred and seventy-one, but were payable during or before that month; and
- (e) have been included in a return made under the Commonwealth Act.

insert instead "New South Wales."

(2) Section 9—

Omit the section.

(3) Section 9A (2)—

After "return period" where secondly occurring, insert "but does not apply so as to authorise a deduction to be made for any return period that commences after the month of December, 1976".

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(4) Section 9B—

After section 9A, insert:—

9B. (1) In this section—

“interstate wages” does not include interstate wages paid or payable by a member of a group;

“prescribed amount”—

- (a) in relation to a return for a return period of one month, means \$4,000; and
- (b) in relation to a return for a return period of two or more months, means the product ascertained by multiplying \$4,000 by the number of months in that return period;

“taxable wages” does not include taxable wages paid or payable by a member of a group.

(2) This section applies only so as to authorise a deduction to be made for a return period that is after the month of December, 1976, from the taxable wages included in a return or assessment relating to that return period.

(3) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay taxable wages for the whole of a return period, but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a

Deduction
from taxable
wages after
1st January,
1977.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

return or an assessment relating to that return period) the prescribed amount, reduced by \$2 for each \$3 (disregarding any remainder) by which the amount of those taxable wages (in whole dollars) exceeds the prescribed amount.

(4) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay wages during a return period and pays or is liable to pay taxable wages for part only of that return period, but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to that return period) the amount that bears to the prescribed amount the same proportion as the number of days in that part of that return period bears to the total number of days in that return period, reduced by \$2 for each \$3 (disregarding any remainder) by which the amount of those taxable wages (in whole dollars) exceeds the same proportion of the prescribed amount.

(5) An employer who during any return period pays or is liable to pay taxable wages and interstate wages may, by notice in writing in the prescribed form containing the prescribed particulars, served on the Commissioner, nominate an amount, calculated in the prescribed manner, not exceeding the prescribed amount, as the deduction that he claims to be entitled to make for that return period and for subsequent return periods.

Act No. 86, 1976.

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(6) For the purpose of ascertaining the pay-roll tax payable by an employer who has served on the Commissioner a notice under subsection (5), there shall, subject to subsection (7), be deducted, for a return period (being the return period ending last before the day on which he served that notice on the Commissioner or any subsequent return period), from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) the amount nominated in that notice.

(7) The Commissioner may, on an application made to him in writing by an employer who pays or is liable to pay taxable wages and interstate wages during any return period or of his own motion in relation to such an employer, at any time, make a determination specifying an amount, not exceeding the prescribed amount, that may be deducted for any return period specified or referred to in the determination (being a return period commencing before, but not before 1st January, 1977, or after, or the return period in which, the determination is made) from the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) and there shall be deducted, for any such return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) the amount so specified.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(8) The Commissioner may, at any time, by instrument in writing, revoke a determination made under subsection (7) and any such revocation shall have effect as on and from the first day of the return period specified in the instrument, whether that return period is before, but not before the date of the determination, or after, or the return period in which, the instrument is executed by him.

(9) The Commissioner shall, as soon as practicable after making a determination under subsection (7) or a revocation under subsection (8), serve notice of the determination or revocation on the employer concerned.

(5) Section 11—

Omit the section.

(6) (a) Section 11A, definition of “financial year”—

Omit the definition.

(b) Section 11A (1A)—

After section 11A (1), insert :—

(1A) In sections 11B and 11C, “financial year” means the financial year commencing on 1st July, 1976, and each financial year thereafter.

SCHEDULE

Pay-roll Tax (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(c) Section 11A (2), (2A)—

Omit section 11A (2), insert instead :—

(2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} - \frac{2}{3} \left\{ (TW + IW) - \left\{ \frac{20800A}{184} + \frac{24000B}{181} \right\} \right\} \right]$$

where—

TW is the total of the taxable wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

IW is the total of the interstate wages paid or payable by the employer during the financial year commencing on 1st July, 1976;

A is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st July, 1976, and ending on 31st December, 1976; and

B is the number of days in respect of which wages (disregarding foreign wages) were paid or payable by the employer during the period commencing on 1st January, 1977, and ending on 30th June, 1977.

SCHEDULE

Act No. 86, 1976.

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(2A) For the purposes of the financial year commencing on 1st July, 1977, and each financial year thereafter, a reference in sections 11B and 11C to the “prescribed amount” is, in relation to an employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left\{ (TW + IW) - \frac{48000C}{D} \right\} \right]$$

where—

TW is the total of the taxable wages paid or payable by the employer during the financial year;

IW is the total of the interstate wages paid or payable by the employer during the financial year;

C is the number of days in the financial year in respect of which wages (disregarding foreign wages) were paid or payable by the employer; and

D is the number of days in the financial year.

(d) Section 11A (4)—

Omit the subsection.

(7) Section 11B (2)—

Omit “commencing on or after 1st January, 1976”.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

- (8) (a) Section 12 (1), (2A)—
Omit "\$800" wherever occurring, insert instead "\$900".
- (b) Section 12 (2) (a)—
Omit "or".
- (c) Section 12 (2) (b) (ii)—
Omit "(1).", insert instead "(1); or".
- (d) Section 12 (2) (c)—
After section 12 (2) (b), insert :—
(c) that person, although remaining a member of a group, does not pay and is not liable to pay wages as referred to in subsection (1).
- (9) (a) Section 16r (1)—
Omit "an amount, calculated in the prescribed manner, not exceeding the prescribed amount as defined in section 9A (1), as the deduction to be made for any return period in relation to which that designated group employer is required to furnish returns under this Act", insert instead :—
, as the deduction to be made for any return period in relation to which that designated group employer is required to furnish returns under this Act, an

SCHEDULE

*Pay-roll Tax (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

amount, calculated in the prescribed manner, not exceeding—

- (a) where the return period ends not later than 31st December, 1976, the prescribed amount as defined in section 9A (1); or
- (b) where the return period commences on or after 1st January, 1977, the prescribed amount as defined in section 9B (1).

(b) Section 16I (4)—

Omit “the prescribed amount as defined in section 9A (1)”, insert instead “the appropriate prescribed amount referred to in subsection (1) (a) or (b)”.

(c) Section 16I (4)—

Omit “, but not before 1st January, 1976.”.

(10) Section 16J—

Omit the section, insert instead :—

16J. (1) In sections 16K and 16L, “financial year” means the financial year commencing on 1st July, 1976, and each financial year thereafter.

“Prescribed amount” for purposes of sections 16K and 16L.

(2) For the purposes of the financial year commencing on 1st July, 1976, a reference in sections 16K and 16L to the “prescribed amount” is, in relation to a designated group employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\left(\frac{20800A}{184} + \frac{24000B}{181} \right) - \frac{2}{3} \left\{ (TW + IW) - \left(\frac{20800A}{184} + \frac{24000B}{181} \right) \right\} \right]$$

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

where—

TW is the total of the taxable wages paid or payable by the members of the group, in respect of which that designated group employer is the designated group employer, during the financial year commencing on 1st July, 1976;

IW is the total of the interstate wages paid or payable by the members of that group during the financial year commencing on 1st July, 1976;

A is the number of days in that part of the period commencing on 1st July, 1976, and ending on 31st December, 1976, for which that designated group employer was the designated group employer in respect of that group, reduced by the number of days, if any, during that part in respect of which no wages (disregarding foreign wages) were paid or payable by any member of that group; and

B is the number of days in that part of the period commencing on 1st January, 1977, and ending on 30th June, 1977, for which that designated group employer was the designated group employer in respect of that group, reduced by the number of days, if any, during that part in respect of which no wages (disregarding foreign wages) were paid or payable by any member of that group.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

(3) For the purposes of the financial year commencing on 1st July, 1977, and each financial year thereafter, a reference in sections 16K and 16L to the "prescribed amount" is, in relation to a designated group employer, a reference to the amount calculated in accordance with the following formula :—

$$\frac{TW}{TW + IW} \left[\frac{48000C}{D} - \frac{2}{3} \left\{ (TW + IW) - \frac{48000C}{D} \right\} \right]$$

where—

TW is the total of the taxable wages paid or payable by the members of the group, in respect of which that designated group employer is the designated group employer, during the financial year;

IW is the total of the interstate wages paid or payable by the members of that group during the financial year;

C is the number of days in that part of the financial year for which that designated group employer was the designated group employer in respect of that group, reduced by the number of days, if any, during that part in respect of which no wages (disregarding foreign wages) were paid or payable by any member of that group; and

D is the number of days in the financial year.

SCHEDULE

Pay-roll Tax (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PAY-ROLL TAX ACT, 1971—
continued.

- (11) Section 16k (4), (5)—
Omit “commencing on or after 1st January, 1976.”
- (12) Section 19—
Omit “two”, insert instead “six”.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 2nd December, 1976.*

