

SALES TAX (NO. 9).

No. 11 of 1940.

An Act to amend the *Sales Tax Act (No. 9)* 1930-1939.

[Assented to 20th May, 1940.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Sales Tax Act (No. 9)* 1940.

(2.) The *Sales Tax Act (No. 9)* 1930-1939,* as amended by this Act, may be cited as the *Sales Tax Act (No. 9)* 1930-1940.

Commencement.

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

Imposition of
tax.

3. Section three of the *Sales Tax Act (No. 9)* 1930-1939 is amended—

(a) by omitting the words and figures “on or after the 9th September, 1939” and inserting in their stead the words and figures “during the period commencing on the 9th September, 1939, and terminating on the 2nd May, 1940”; and

(b) by adding at the end thereof the words and figures “on or after the 3rd May, 1940 8 $\frac{1}{3}$ per centum.”.

* Act No. 42, 1930, as amended by No. 42, 1931; No. 10, 1935; No. 40, 1936; No. 38, 1938; and No. 24, 1939.

ESTATE DUTY ASSESSMENT.

No. 12 of 1940.

An Act to amend the *Estate Duty Assessment Act* 1914-1928.

[Assented to 20th May, 1940.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Estate Duty Assessment Act* 1940.

(2.) The *Estate Duty Assessment Act 1914–1928** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Estate Duty Assessment Act 1914–1940*.

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

3. Section eight of the Principal Act is amended by omitting sub-section (6.). Duty on estates.

4. Section nine of the Principal Act is repealed and the following section inserted in its stead :—

“ 9. Where the value for duty of the estate of a member of the Naval, Military or Air Forces of the Commonwealth or of any part of the King’s dominions or of any Ally of Great Britain who, during the present war between His Majesty the King and Germany or within one year after its termination, dies on active service or as a result of injuries received or disease contracted on active service, does not, after all the deductions under this Act (except the deduction under section eighteen A of this Act) have been allowed, exceed the sum of Five thousand pounds, that estate shall not be liable to estate duty.” Exemption of persons dying on active service.

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

“ 18A.—(1.) From the value of the estate there shall be deducted— Statutory exemption.

(a) where the whole of the estate by will, intestacy, gift *inter vivos* or settlement passes to the widow, children or grandchildren of the deceased—the sum of Two thousand pounds decreasing by One pound for every Ten pounds by which that value exceeds Two thousand pounds up to a value of Ten thousand pounds and thereafter decreasing by One pound for every Two pounds by which that value exceeds Ten thousand pounds ;

(b) where no part of the estate by will, intestacy, gift *inter vivos* or settlement passes to the widow, children or grandchildren of the deceased—the sum of One thousand pounds decreasing by One pound for every Ten pounds by which that value exceeds One thousand pounds up to a value of Six thousand pounds and thereafter decreasing by One pound for every Eight pounds by which that value exceeds Six thousand pounds ; or

(c) where part only of the estate which is liable to be assessed passes by will, intestacy, gift *inter vivos* or settlement to the widow, children or grandchildren of the deceased, the sum ascertained by adding the following amounts, namely—

(i) that portion of the deduction which would have been allowable under paragraph (a) of this sub-section if the whole of the estate had passed

to the widow, children or grandchildren which bears the same proportion to that deduction as the value of the part of the estate which passes to the widow, children or grandchildren bears to the value of the estate; and

- (ii) that portion of the deduction which would have been allowable under paragraph (b) of this subsection if no part of the estate had passed to the widow, children or grandchildren which bears the same proportion to that deduction as the value of the part of the estate which does not pass to the widow, children or grandchildren bears to the value of the estate,

and the balance remaining shall be the value for duty of the estate.

(2.) For the purposes of this section 'value of the estate' means the value ascertained by deducting from the gross value of the estate liable to be assessed all the deductions allowable under this Act except the deduction allowable under this section and 'value of the part of the estate' has a corresponding meaning."

Apportionment
of duty among
beneficiaries.

6. Section thirty-five of the Principal Act is amended by omitting the proviso thereto and inserting in its stead the following proviso:—

"Provided that for the purposes of the foregoing provisions of this section, the value of the interests of the widow or children or grandchildren shall be reduced by an amount ascertained in accordance with the provisions of sub-paragraph (i) of paragraph (c) of sub-section (1.) of section eighteen A of this Act."

Application of
amendments.

7. The amendments effected by this Act shall apply to all assessments in respect of estates of deceased persons dying on or after the date of the commencement of this Act.

ESTATE DUTY.

No. 13 of 1940.

An Act to amend the *Estate Duty Act 1914*.

[Assented to 20th May, 1940.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Estate Duty Act 1940*.

(2.) The *Estate Duty Act 1914*,* as amended by this Act, may be cited as the *Estate Duty Act 1914-1940*.

* Act No. 25 of 1914.