

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

**Imposition of gift duty.** 3. Section four of the Principal Act is amended by adding at the end thereof the following sub-sections :—

“(2.) Notwithstanding anything contained in the last preceding sub-section, the gift duty payable in respect of any gift (not being a gift to which the next succeeding sub-section applies) made after the commencement of this sub-section shall not exceed one-half of the amount by which the value of that gift exceeds Two thousand pounds.

“(3.) Where, apart from this sub-section, the rate of gift duty in respect of any gift made after the commencement of this sub-section is to be ascertained by reference to the value of that gift combined with the value of any other gift or gifts, the gift duty in respect of that gift shall not exceed an amount which bears the same proportion to one-half of the amount by which the value of all those gifts exceeds Two thousand pounds as the value of that gift bears to the total value of such of those gifts as are made after the commencement of this sub-section.”

**The Schedule.** 4. The Schedule to the Principal Act is amended by omitting from paragraphs (a) and (b) the words “Five hundred” and inserting in their stead the words “Two thousand”.

**Application of amendments.** 5.—(1.) Subject to this section, the amendments made by this Act shall not in any way affect gift duty in respect of any gift made before the commencement of this Act.

(2.) In ascertaining the rate of gift duty in respect of a gift made before the commencement of this Act, the value of any gift or gifts made after that commencement shall not be taken into account unless the “value of all gifts”, as defined in the Schedule to the Principal Act, exceeds Two thousand pounds.

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## ESTATE DUTY ASSESSMENT.

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### No. 16 of 1947.

## An Act to amend the *Estate Duty Assessment Act* 1914-1942.

[Assented to 3rd June, 1947.]

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

**1.**—(1.) This Act may be cited as the *Estate Duty Assessment Act* 1947.

(2.) The *Estate Duty Assessment Act 1914-1942\** 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 1914-1947*.

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—

(a) by inserting in paragraph (a) of sub-section (4.), after the words "*inter vivos*", the words "(not including any gift of property the value of which, together with the value of the property comprised in any other gifts made to the same person within three years before his decease, does not exceed Fifty pounds)";

(b) by omitting from paragraph (c) of that sub-section the words "at any time before his decease" and inserting in their stead the words "before his decease, unless it was so surrendered more than three years before his decease"; and

(c) by inserting after sub-section (5.) the following sub-section:—  
 "(6.) Where a gift of property has been liable to gift duty under the provisions of the *Gift Duty Assessment Act 1941*, or of that Act as amended at any time, and the property is also included in the estate of the donor under this Act, there shall be deducted from the total duty to which the estate is liable under this Act the lesser of the following sums:—

(a) the amount of gift duty paid or payable in respect of the gift; or

(b) the amount by which the estate duty payable apart from this sub-section in respect of the estate is increased by reason of the inclusion of the property in the estate."

4. Section nine of the Principal Act is amended—

(a) by omitting from sub-section (1.) all the words before the word "there" and inserting in their stead the words "From the value of the estate of a person who is or has been a member of the naval, military or air forces of the Commonwealth, or of any other part of the King's dominions, or of any Ally of His Majesty, during the state of war which commenced on the third day of September, One thousand nine hundred and thirty-nine, and who, during that state of war, or within three years after its termination, has died or dies on active service or as a result of injuries received or disease contracted on active service during that state of war"; and

Duty on  
estates.

Estates of  
persons dying  
on active  
service.

- (b) by omitting from sub-sections (2.) and (3.) the word "member." (wherever occurring) and inserting in its stead the word "person".

5. Sections seventeen and eighteen of the Principal Act are repealed and the following section is inserted in their stead :—

Deductions  
from gross  
value of  
estate.

" 17.—(1.) For the purpose of assessing the value for duty of the estate of a deceased person, there shall, subject to this section, be deducted from the gross value of the assessable estate—

- (a) if the deceased person was domiciled in Australia at the time of his death, all debts due and owing by him at the time of his death ;
- (b) if the deceased person was not domiciled in Australia at the time of his death, all debts due and owing by him at the time of his death to persons resident in Australia, or contracted to be paid in Australia, or charged on property situate in Australia ;
- (c) Federal and State income taxes assessed in respect of income derived by him before the date of his death and Federal income taxes assessed in respect of any amount which is included in the assessable income of the trust estate of the deceased person in accordance with the provisions of section one hundred and one A of the *Income Tax Assessment Act* 1936–1941, or of that Act as amended at any time, and which is included in the estate for the purposes of this Act ; and
- (d) Federal and State land taxes assessed in respect of the ownership, on or before the date of his death, of land owned or deemed to be owned by him.

" (2.) No deduction under this section shall be allowed in respect of—

- (a) provisional tax or provisional contribution payable in pursuance of the *Income Tax Assessment Act* 1936–1944, or of the *Social Services Contribution Assessment Act* 1945, or of either of those Acts as amended at any time ; or
- (b) taxes paid before the date of the death of the deceased person."

Application of  
amendments.

6.—(1.) The amendments effected by paragraphs (a) and (b) of section three of this Act shall apply in relation to the estates of all persons dying after the commencement of this Act.

(2.) The amendment effected by paragraph (c) of section three of this Act shall apply to all assessments issued after the commencement of this Act.

(3.) The amendment effected by section four of this Act shall apply in relation to the estates of persons who have died or who die on or after the third day of September, One thousand nine hundred and thirty-nine.

(4.) The amendment effected by section five of this Act shall apply to all assessments, and all amendments of assessments, notice of which is or has been given on or after the twenty-seventh day of March, One thousand nine hundred and forty-seven :

Provided that that amendment shall not operate to prevent or affect the allowance of a deduction claimed before that date.

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## COMMONWEALTH AID ROADS - AND WORKS.

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### No. 17 of 1947.

An Act to grant and apply out of the Consolidated Revenue Fund sums for the purpose of Financial Assistance to the States to be applied in the Construction, Reconstruction, Maintenance and Repair of Roads and Works connected with Transport, and for other purposes.

[Assented to 3rd June, 1947.]

[Date of commencement, 1st July, 1947.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Preamble.

1. This Act may be cited as the *Commonwealth Aid Roads and Works Act 1947*.

Short title.

2. In this Act, "the Trust Account" means the Commonwealth Aid Roads and Works Trust Account established in pursuance of this Act.

Definition.

3. For the purposes of this Act there shall be a Trust Account which shall be known as the Commonwealth Aid Roads and Works Trust Account and shall be a Trust Account within the meaning of section sixty-two A of the *Audit Act 1901-1934*.

Establishment of Trust Account.

4. There shall be payable into the Trust Account—

Payments into Trust Account.

(a) in each year during the period of three years commencing on the first day of July, One thousand nine hundred and forty-seven, a sum equivalent to the aggregate of the amounts specified in the Schedule to this Act in respect of that year ;